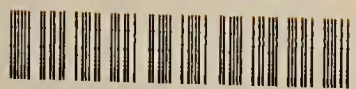
STATE LIBRARY OF PENNSYLVANIA
341.6W8925p
main,stks
Pamphlet series /
v.6 1916 World Peace Foundation
0 0001 00663797 7

REFERENCE

COLLECTIONS



04-83-631-8

World Peace Foundation

Pamphlet Series

PUBLICATIONS

OF

WORLD PEACE FOUNDATION

VOLUME VI

1916

WORLD PEACE FOUNDATION

40 MT. VERNON STREET, BOSTON

S-R
341.6
W892
1916
v.6

The Pamphlet Series was issued bimonthly during 1916.

The series of pamphlets with the general title of "The New Pan Americanism" is paged continuously and the contents is arranged in sections numbered consecutively. Their publication will be continued in 1917.

Contents

	SERIES NUMBER
The New Pan Americanism Introduction 1. President Wilson's Policy toward Latin America: Circular Note of March 12, 1913 2. "The United States and Latin America." Address by President Wilson before the Southern Commercial Congress, October 27, 1913 3. Mexican Affairs and the A. B. C. Mediation 4. The Pan American Union and Neutrality 5. Pan American Treaties for the Advancement of Peace	February, No. 1
The New Pan Americanism. Part II 6. First Pan American Financial Conference, 1915 (Opening Addresses of the President and Secretary of State) 7. Pan American Action regarding Mexico 8. President Wilson's Annual Address to Congress, December 7, 1915 9. Second Pan American Scientific Congress (Addresses of the Secretary of State and President) 10. Pan American Agreement proposed by United States 11. Books for Reading, Study, and Reference	April, No. 2
The Outlook for International Law With Letter Commending the League to Enforce Peace By Elihu Root	June, No. 3
The Monroe Doctrine and the Program of the League to Enforce Peace By George Grafton Wilson	August, No. 4
The Conciliation Plan of the League to Enforce Peace with American Treaties in Force	October, No. 5
Historical Light on the League to Enforce Peace I. An International Court II. Conciliation Council III. Sanctions IV. Conferences to Develop Law	December, No. 6

182605

LIBRARY.

World Peace Foundation

Pamphlet Series

THE NEW PAN AMERICANISM

Published Bimonthly by the
WORLD PEACE FOUNDATION
40 MT. VERNON STREET, BOSTON

February, 1916
Vol. VI. No. 1.

Entered as second-class matter January 15, 1913, at the post-office at Boston, Mass., under the Act of August 24, 1912

WORLD PEACE FOUNDATION

PAMPHLET SERIES

AMERICA AND THE EUROPEAN WAR. By NORMAN ANGELL
AMERICAN LEADERSHIP FOR PEACE AND ARBITRATION. By CARL SCHURZ
ANGLO-AMERICAN AGREEMENT OF 1817. By CHARLES H. LEVERMORE
COMMISSION OF INQUIRY: THE WILSON-BRYAN PEACE PLAN. By DENYS P. MYERS
CONCERNING SEA POWER. By DAVID STARR JORDAN
CONFERENCE OF NEUTRAL STATES
DRAIN OF ARMAMENTS. By ARTHUR W. ALLEN
DREADNOUGHTS AND DIVIDENDS. EXPOSURE OF THE ARMAMENTS RING. By PHILIP SNOWDEN, M.P.
FORCES THAT MAKE FOR PEACE. By Hon. WILLIAM J. BRYAN
FORCES WARRING AGAINST WAR. By HAVELOCK ELLIS
FOUNDATIONS OF A LEAGUE OF PEACE. By G. LOWES DICKINSON
IMMUNITY OF PRIVATE PROPERTY AT SEA. By JOSEPH H. CHOATE
INSTRUCTIONS TO THE AMERICAN DELEGATES TO THE HAGUE CONFERENCES, 1899 and 1907. By JOHN HAY and ELIHU ROOT
MISSION OF THE UNITED STATES IN THE CAUSE OF PEACE. By DAVID J. BREWER
OFFICIAL DOCUMENTS CONCERNING NEUTRAL AND BELLIGERENT RIGHTS ISSUED SINCE AUGUST 4, 1914. Separate pamphlets with individual titles as follows:

- NEUTRALITY PROCLAIMED AND EXPLAINED; APPENDIX, THE DECLARATION OF LONDON.
- WAR ZONES.
- WAR ZONES (CONTINUED), INTERFERENCE WITH AMERICAN TRADE WITH NEUTRALS.
- FOODSTUFFS CARGO OF THE "WILHELMINA" IN BRITISH PRIZE COURT, GERMAN AND AUSTRIAN ATTITUDE TOWARD AMERICAN TRADE, SINKING OF THE "WILLIAM P. FRYE."
- SINKING OF THE "LUSITANIA," AND ATTACKS ON THE "FALABA," "GULFLIGHT," "CUSHING," AND "NEBRASKAN."

ORGANIZING THE PEACE WORK. By EDWIN GINN
OUTLINE OF LESSONS ON WAR AND PEACE. By LUCIA AMES MEAD
PANAMA CANAL TOLLS: THE OBLIGATIONS OF THE UNITED STATES. By Hon. ELIHU ROOT
PANAMA CANAL TOLLS, OUR DUTY CONCERNING. By THOMAS RAEBURN WHITE and CHARLEMAGNE TOWER
RIGHT AND WRONG OF THE MONROE DOCTRINE. By CHARLES F. DOLE
SOME SUPPOSED JUST CAUSES OF WAR. By JACKSON H. RALSTON
SUGGESTIONS FOR LECTURES ON INTERNATIONAL RELATIONS. By CHARLES H. LEVERMORE
SYNDICATES FOR WAR. London Correspondence of the New York *Evening Post*
UNITED STATES OF EUROPE. By VICTOR HUGO
WAR NOT INEVITABLE. By Hon. JOHN W. FOSTER
WASHINGTON, JEFFERSON AND FRANKLIN ON WAR. By EDWIN D. MEAD
WASTE OF MILITARISM. From the report of the Massachusetts Commission on the Cost of Living, 1910
WOMAN AND WAR. By EDWIN D. MEAD
WORLD PEACE FOUNDATION: WORK IN 1914

Single copies free. Price in quantities on application

Volume title-pages for binding furnished on request

WORLD PEACE FOUNDATION

40 Mt. Vernon Street Boston, Mass.

CONTENTS.

PAGE

INTRODUCTION 3

1. PRESIDENT WILSON'S POLICY TOWARD LATIN AMERICA: CIRCULAR DIPLOMATIC NOTE OF MARCH 12, 1913 7

2. THE UNITED STATES AND LATIN AMERICA: ADDRESS BY PRESIDENT WILSON BEFORE THE SOUTHERN COMMERCIAL CONGRESS, OCTOBER 27, 1913 9

3. MEXICAN AFFAIRS AND THE A. B. C. MEDIATION 14

a. President Wilson's Address to Congress, August 27, 1913, 15

b. Excerpt from President Wilson's Annual Address to Congress, December 2, 1913 21

c. President Wilson's Address to Congress, April 20, 1914 . 23

d. Joint Resolution of Congress justifying the Employment of the Armed Forces of the United States by the President, April 22, 1914 26

e. Tender and Acceptance of Good Offices and Mediation:

(1.) The Brazilian Ambassador and the Argentine and Chilian Ministers to the Secretary of State, April 25, 1914 27

(2.) The Secretary of State to the Braziiian Ambassador and the Argentine and Chilian Ministers, April 25, 1914 28

(3.) General Huerta's Minister for Foreign Affairs to the Brazilian Ambassador and the Argentine and Chilian Ministers, April 27, 1914 29

(4.) Exchange of Notes between the Mediating Diplomats and General Carranza:

i. The Mediators to General Carranza, April 28, 1914 30

ii. General Carranza to the Mediators, April 29, 1914 30

f. Correspondence respecting an Armistice 30

(1.)–(3.) (Not available for publication.)

(4.) General Carranza to the Mediators, May 2, 1914 . 31

(5.) The Mediators to General Carranza, May 3, 1914 . 31

PAGE

g. Protocols of the Mediatory Conferences held at Niagara Falls, Ontario, May 20–June 25, 1914:

(1.) No. 1, May 20, 1914:

i. Opening Address of the Brazilian Ambassador . 32

ii. Rules of Procedure 33

(2.) No. 2, June 2, 1914: Statement of Policy by Mexican Delegation 34

(3.) No. 3, June 12, 1914: Concerning the Recognition of a Government 35

(4.) Final Protocol, June 24, 1914 35

h. Resolution of the Pan American Union, May 6, 1914 . . 36

4. The Pan American Union and Neutrality:

a. Resolution of the Governing Board of the Pan American Union, December 8, 1914 37

b. Statement of the Venezuelan Minister in submitting Venezuela's Proposition to the Special Neutrality Committee, January 7, 1915 38

(1.) Memorandum of the Venezuelan Minister for Foreign Affairs concerning the Rights of Neutrals . 40

c. Memorandum of Hon. Robert Lansing, Secretary of State, as Member of the American Institute of International Law 45

5. Pan American Treaties for the Advancement of Peace:

a. Historical Statement 47

b. Señor Alberto Membreño, Minister of Honduras, to the Governing Board of the Pan American Union, March 8, 1915 48

c. Treaty between Argentina, Brazil, and Chile to facilitate the Pacific Settlement of International Disputes, May 25, 1915 50

THE NEW PAN AMERICANISM

INTRODUCTION.

The object of this publication is to bring together the essential utterances and facts that contribute to a clearer definition of a Pan American league of peace. It would be interesting to review events of the nineteenth century that have exhibited the Monroe doctrine in the light of the common interests of American sovereignties and peoples. Such a story would extend from the Congress of Panamá in 1826 up to the International American Conference of 1889–90 and its successors in the series of Pan American conferences, with all that they have implied. But we confine ourselves to the most recent manifestations of Pan Americanism, believing that they introduce the promise of new harmonies, to which earlier events have been something like a prelude.

The first official statement which clearly voiced the ideals of the new Pan Americanism was the speech made by Hon. Elihu Root before the Third International American Congress at Rio de Janeiro, July 31, 1906. At that time Mr. Root, who was then secretary of state in President Roosevelt's cabinet, expounded the doctrine of American international solidarity of interests. The most significant sentences of that address are here quoted:

> . . . No nation can live unto itself alone and continue to live. Each nation's growth is a part of the development of the race. . . . It is with nations as it is with individual men; intercourse, association, correction of egotism by the influence of other's judgment, broadening of views by the experience and thought of equals, acceptance of the moral standards of a community the desire for whose good opinion lends a sanction to the rules of right conduct—these are the conditions of growth in civilization. . . .
>
> To promote this mutual interchange and assistance between the American Republics, engaged in the same great task, inspired by the same purpose, and professing the same principles, I understand to be the function of the American Conference now in session. There is not one of all our countries that cannot benefit the others; there is not one that

cannot receive benefit from the others; there is not one that will not gain by the prosperity, the peace, the happiness of all. . . .

The association of so many eminent men from all the Republics, leaders of opinion in their own homes; the friendships that will arise among you; the habit of temperate and kindly discussion of matters of common interest; the ascertainment of common sympathies and aims; the dissipation of misunderstandings; the exhibition to all the American peoples of this peaceful and considerate method of conferring upon international questions—this alone, quite irrespective of the resolutions you may adopt and the conventions you may sign, will mark a substantial advance in the direction of international good understanding.

These beneficent results the Government and the people of the United States of America greatly desire.

We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights, or privileges, or powers that we do not freely concede to every American Republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit, but our conception of the true way to accomplish this, is not to pull down others and profit by their ruin, but to help all friends to a common prosperity and a common growth, that we may all become greater and stronger together.

Within a few months, for the first time, the recognized possessors of every foot of soil upon the American continents can be and I hope will be represented with the acknowledged rights of equal sovereign states in the great World Congress at The Hague. This will be the world's formal and final acceptance of the declaration that no part of the American continents is to be deemed subject to colonization. Let us pledge ourselves to aid each other in the full performance of the duty to humanity which that accepted declaration implies, so that in time the weakest and most unfortunate of our Republics may come to march with equal step by the side of the stronger and more fortunate. Let us help each other to show that for all the races of men the liberty for which we have fought and labored is the twin sister of justice and peace. Let us unite in creating and maintaining and making effective an all-American public opinion, whose power shall influence international conduct and prevent international wrong and narrow the causes of war, and forever preserve our free lands from the burden of such armaments as are massed behind the frontiers of Europe, and bring us ever nearer to the perfection of ordered

liberty. So shall come security and prosperity, production and trade, wealth, learning, the arts, and happiness for us all.

Not in a single conference, nor by a single effort, can very much be done. You labor more for the future than for the present; but if the right impulse be given, if the right tendency be established, the work you do here will go on among all the millions of people in the American continents, long after your final adjournment, long after your lives, with incalculable benefit to all our beloved countries, which may it please God to continue free and independent and happy for ages to come.

This message brought by Secretary Root to the American Republics was, during that summer, repeated by him in many South American capitals, and elicited everywhere a cordial and sympathetic response. When the invitations of the new Pan Americanism were renewed by President Wilson, they acquired a peculiar emphasis from the coincident relapse of international relations in the Old World into primitive chaos. The President's first utterances concerning Pan American affairs were a sufficient basis for the adoption of a proposal in the Governing Board of the Pan American Union for the creation of a committee to study neutral interests in the stress of the European war.

Moreover, the administration began its term with a proposal for treaties for the advancement of peace, embodying the principle of the commission of inquiry in such a way as to cover disputes not falling within the scope of arbitration. These engagements, sixteen of which are in force, prohibit war until this method of conciliation has had fair trial. On April 22, 1915, Honduras proposed a general Pan American treaty to secure universal recognition of this principle.

The Second Pan American Scientific Congress assembled in the last days of 1915, a visible sign to the peoples of the two Americas of the friendliness which governments had been developing. President Wilson and Secretary of State Lansing both addressed its sessions, emphasizing the propriety and wisdom of mutual respect and helpfulness in the international relations of the American sovereignties. The address of the secretary of state was followed immediately by a circular note to all American Governments proposing

the negotiation of a common agreement upon essential principles of American international policy. This negotiation cannot be without effect, and it may become the keystone in the arch of the new Pan Americanism. At present the fundamental suggestions under discussion are these:

1. Territorial integrity of each state is guaranteed by all.
2. All states agree to maintain the republican form of government.
3. All disputes except those affecting independence shall be submitted to settlement by diplomacy, arbitration or commissions of inquiry.
4. Internal disturbances in one state shall not be aided or abetted from another. (The specific provisions tend to uphold stable governments.)

The purpose of the new Pan Americanism has been succinctly defined by Secretary Lansing in these words:

"The Monroe doctrine is a national policy of the United States; Pan Americanism is an international policy of the Americas. The motives are to an extent different; the ends sought are the same. Both can exist without impairing the force of either. And both do exist and, I trust, will exist in all their vigor."

1. President Wilson's Policy toward Latin America.[1]

The Secretary of State to American Diplomatic Officers in Latin America.

(TELEGRAM.)

DEPARTMENT OF STATE,
WASHINGTON, March 12, 1913, 1 P.M.

Only for your information and guidance I quote the following:

"In view of questions which are naturally uppermost in the public mind just now the President issued the following statement:

"'One of the chief objects of my administration will be to cultivate the friendship and deserve the confidence of our sister republics of Central and South America and to promote in every proper and honorable way the interests which are common to the peoples of the two continents.

"'I earnestly desire the most cordial understanding and co-operation between the peoples and leaders of America and therefore deem it my duty to make this brief statement. Co-operation is possible only when supported at every turn by the orderly processes of just government based upon law, not upon arbitrary or irregular force.

"'We hold, as I am sure all thoughtful leaders of republican governments everywhere hold, that just government rests always upon the consent of the governed and upon the public conscience and approval. We shall look to make these principles the basis of mutual intercourse, respect and helpfulness between our sister republics and ourselves. We shall lend our influence of every kind to the realization of these principles in fact and practice, knowing that disorder, personal intrigue and defiance of constitutional rights weaken and discredit government and injure none so much as the people who are unfortunate enough to have their common life and their common affairs so tainted and disturbed. We can have no sympathy with

[1] Sent to Mexico City, Mexico; Port au Prince, Haiti; Santo Domingo, Dominican Republic; Caracas, Venezuela; San Salvador, El Salvador; Panamá, Panamá.

Repeated to Guatemala City, Guatemala; Tegucigalpa, Honduras; Managua, Nicaragua; San José, Costa Rica; Bogotá, Colombia; Quito, Ecuador; Santiago, Chile; Lima, Peru; La Paz, Bolivia; Buenos Aires, Argentina; Montevideo, Uruguay; Rio de Janeiro, Brazil.

those who seek to seize the power of government to advance their own personal interests or ambitions.

"'We are the friends of peace, but we know that there can be no lasting or stable peace under such circumstances. As friends, therefore, we shall prefer those who act in the interest of peace and honor, who protect private rights and respect the restraints of constitutional provisions. Mutual respect seems to us the indispensable foundation of friendship between states as between individuals.

"'The United States has nothing to seek in Central and South America except the lasting interests of the peoples of the two continents, the security of governments intended for the people and for no special group or interest, and the development of personal and trade relationships between the two continents which shall redound to the profit and advantage of both, and interfere with the rights and liberties of neither.

"'From these principles may be read so much of the future policy of this government as it is necessary now to forecast, and in the spirit of these principles I may, I hope, be permitted with as much confidence as earnestness, to extend to the governments of all the republics of America the hand of genuine disinterested friendship and to pledge my own honor and the honor of my colleagues to every enterprise of peace and amity that a fortunate future may disclose.'"

BRYAN.

2. The United States and Latin America.

(Address by President Wilson before the Southern Commercial Congress at Mobile, Alabama, October 27, 1913.)

Your Excellency, Mr. Chairman, it is with unaffected pleasure that I find myself here to-day. I once before had the pleasure, in another southern city, of addressing the Southern Commercial Congress. I then spoke of what the future seemed to hold in store for this region, which so many of us love and toward the future of which we all look forward with so much confidence and hope. But another theme directed me here this time. I do not need to speak of the South. She has, perhaps, acquired the gift of speaking for herself. I come because I want to speak of our present and prospective relations with our neighbors to the south. I deemed it a public duty, as well as a personal pleasure, to be here to express for myself and for the government I represent the welcome we all feel to those who represent the Latin-American states.

The future, ladies and gentlemen, is going to be very different for this hemisphere from the past. These states lying to the south of us, which have always been our neighbors, will now be drawn closer to us by innumerable ties, and, I hope, chief of all, by the tie of a common understanding of each other. Interest does not tie nations together: it sometimes separates them. But sympathy and understanding does unite them, and I believe that by the new route that is just about to be opened, while we physically cut two continents asunder, we spiritually unite them. It is a spiritual union which we seek.

I wonder if you realize, I wonder if your imaginations have been filled, with the significance of the tides of commerce. Your governor alluded in very fit and striking terms to the voyage of Columbus; but Columbus took his voyage under compulsion of circumstances. Constantinople had been captured by the Turks and all the routes of trade with the east had been suddenly closed. If there was not a way across the Atlantic to open those routes again, they were closed forever, and Columbus set out, not to discover America, for

he did not know that it existed, but to discover the eastern shores of Asia. He set sail for Cathay, and stumbled upon America. With that change in the outlook of the world, what happened? England, that had been at the back of Europe with an unknown sea behind her, found that all things had turned as if upon a pivot, and she was at the front of Europe; and since then all the tides of energy and enterprise that have issued out of Europe have seemed to be turned westward across the Atlantic. But you will notice that they have turned westward chiefly north of the equator, and that it is the northern half of the globe that has seemed to be filled with the media of intercourse and of sympathy and of common understanding.

Do you not see now what is about to happen? These great tides which have been running along parallels of latitude will now swing southward athwart parallels of latitude, and that opening gate at the Isthmus of Panama will open the world to a commerce that she has not known before,—a commerce of intelligence, of thought and sympathy between north and south. The Latin-American states, which, to their disadvantage, have been off the main lines, will now be on the main lines. I feel that these gentlemen honoring us with their presence to-day will presently find that some part, at any rate, of the center of gravity of the world has shifted. Do you realize that New York, for example, will be nearer the western coast of South America than she is now to the eastern coast of South America? Do you realize that a line drawn northward parallel with the greater part of the western coast of South America runs only about 150 miles west of New York? The great bulk of South America, if you will look at your globes (not at your Mercator's projection), lies eastward of the continent of North America. You will realize that when you realize that the canal will run southeast, not southwest, and that, when you get into the Pacific, you will be farther east than you were when you left the Gulf of Mexico. These things are significant, therefore, of this,—that we are closing one chapter in the history of the world and are opening another of great, unimaginable significance.

There is one peculiarity about the history of the Latin-American states which, I am sure, they are keenly aware of. You hear of

"concessions" to foreign capitalists in Latin America. You do not hear of concessions to foreign capitalists in the United States. They are not granted concessions. They are invited to make investments. The work is ours, though they are welcome to invest in it. We do not ask them to supply the capital and do the work. It is an invitation, not a privilege; and states that are obliged, because their territory does not lie within the main field of modern enterprise and action, to grant concessions are in this condition, that foreign interests are apt to dominate their domestic affairs,—a condition of affairs always dangerous and apt to become intolerable. What these states are going to see, therefore, is an emancipation from the subordination, which has been inevitable, to foreign enterprise and an assertion of the splendid character which, in spite of these difficulties, they have again and again been able to demonstrate. The dignity, the courage, the self-possession, the self-respect, of the Latin-American states, their achievements in the face of all these adverse circumstances, deserve nothing but the admiration and applause of the world. They have had harder bargains driven with them in the matter of loans than any other peoples in the world. Interest has been exacted of them that was not exacted of anybody else, because the risk was said to be greater; and then securities were taken that destroyed the risk,—an admirable arrangement for those who were forcing the terms. I rejoice in nothing so much as in the prospect that they will now be emancipated from these conditions; and we ought to be the first to take part in assisting in that emancipation. I think some of these gentlemen have already had occasion to bear witness that the Department of State in recent months has tried to serve them in that wise. In the future they will draw closer and closer to us because of circumstances of which I wish to speak with moderation and, I hope, without indiscretion.

We must prove ourselves their friends and champions upon terms of equality and honor. You cannot be friends upon any other terms than upon the terms of equality. You cannot be friends at all except upon the terms of honor. We must show ourselves friends by comprehending their interest, whether it squares with our own interest or not. It is a very perilous thing to determine the foreign

policy of a nation to the terms of material interest. It not only is unfair to those with whom you are dealing, but it is degrading as regards your own actions.

Comprehension must be the soil in which shall grow all the fruits of friendship; and there is a reason and a compulsion lying behind all this which is dearer than anything else to the thoughtful men of America. I mean the development of constitutional liberty in the world. Human rights, national integrity, and opportunity as against material interests,—that, ladies and gentlemen, is the issue which we now have to face. I want to take this occasion to say that the United States will never again seek one additional foot of territory by conquest. She will devote herself to showing that she knows how to make honorable and fruitful use of the territory she has, and she must regard it as one of the duties of friendship to see that from no quarter are material interests made superior to human liberty and national opportunity. I say this, not with a single thought that any one will gainsay it, but merely to fix in our consciousness what our real relationship with the rest of America is. It is the relationship of a family of mankind devoted to the development of true constitutional liberty. We know that that is the soil out of which the best enterprise springs. We know that this is a cause which we are making in common with our neighbors, because we have had to make it for ourselves.

Reference has been made here to-day to some of the national problems which confront us as a nation. What is at the heart of all our national problems? It is that we have seen the hand of material interest sometimes about to close upon our dearest rights and possessions. We have seen material interests threaten constitutional freedom in the United States. Therefore, we will now know how to sympathize with those in the rest of America who have to contend with such powers, not only within their borders, but from outside their borders also.

I know what the response of the thought and heart of America will be to the program I have outlined, because America was created to realize a program like that. This is not America because it is rich. This is not America because it has set up for a great popula-

tion great opportunities of material prosperity. America is a name which sounds in the ears of men everywhere as a synonym with individual opportunity because a synonym of individual liberty. I would rather belong to a poor nation that was free than to a rich nation that had ceased to be in love with liberty. But we shall not be poor if we love liberty, because the nation that loves liberty truly sets every man free to do his best and be his best, and that means the release of all the splendid energies of a great people who think for themselves. A nation of employees cannot be free any more than a nation of employers can be.

In emphasizing the points which must unite us in sympathy and in spiritual interest with the Latin-American peoples, we are only emphasizing the points of our own life, and we should prove ourselves untrue to our own traditions if we proved ourselves untrue friends to them. Do not think, therefore, gentlemen, that the questions of the day are mere questions of policy and diplomacy. They are shot through with the principles of life. We dare not turn from the principle that morality, and not expediency, is the thing that must guide us, and that we will never condone iniquity because it is most convenient to do so. It seems to me that this is a day of infinite hope, of confidence in a future greater than the past has been, for I am fain to believe that, in spite of all the things that we wish to correct, the nineteenth century that now lies behind us has brought us a long stage toward the time when, slowly ascending the tedious climb that leads to the final uplands, we shall get our ultimate view of the duties of mankind. We have breasted a considerable part of that climb, and shall presently—it may be in a generation or two—come out upon those great heights where there shines unobstructed the light of the justice of God.

3. Mexican Affairs and the A. B. C. Mediation.

The year 1911 began with Porfirio Diaz as president of the United Mexican States, a position to which he had been regularly elected since 1884. The Diaz régime was that of a strong man who had drawn to himself and his government much of the human ability which the country had produced. The government was effectively within the control of the *científicos*, or educated upper classes, who controlled much of the land. This situation prevented the free play of opportunity which it is the purpose of democracy to guarantee, and the result was a spreading discontent. Francisco I. Madero headed a revolt against Diaz in the northern states of the country. On May 8 Diaz announced his will to retire; on May 11 Madero set up a provisional government at Juarez, and on May 25 the President did resign. Francisco de la Barra, minister of foreign affairs, became acting President owing to the retirement of Vice President Corral. Señor de la Barra in June decreed elections for October 15, and at the balloting Señor Madero was quietly elected.

Early in 1912 uprisings occurred in several parts of the country under various leaders. On February 18, 1913, a *coup d'état* by the army resulted in the president being made a prisoner. Madero resigned, and General Victoriano Huerta emerged as provisional President. On February 22 Madero was killed while being conveyed from the palace to a prison. Armed opposition to the Huerta régime arose in the several parts of the country. Powers began to recognize the Huerta régime.[1] President Taft refrained because of his

[1] States recognized the Huerta Government as follows: Perú, October 21, 1912; Salvador, February 11, 1913; Guatemala, March 28; Great Britain, March 31; France, April 5; China, April 9; Spain, April 28; Austria-Hungary, April 30; Colombia, May 5; Montenegro, May 14; Germany, May 18; Honduras, May 24; Italy, May 29; Norway, June 9; Ecuador, June 9; Japan, June 12; Netherlands, June 13; Uruguay, June 15; Monaco, June 16; Bulgaria, June 20; Turkey, July 6; Costa Rica, July 14; Denmark, July 21; Haiti, August 8; Portugal, previous to August 9; Bolivia, previous to August 14; Belgium, Switzerland, and Russia.

States not recognizing, or whose recognition was not reported, are: United States of America, Argentine Republic, Brazil, Chile, Cuba, Dominican Republic, Greece, Nicaragua, Panamá, Paraguay, Persia, Sweden, and Venezuela.

imminent retirement from office on March 4, 1913. The policy of President Wilson's administration toward Latin America was promptly outlined in his declaration of March 11. On August 27 the President addressed Congress concerning the Mexican problem as follows:

a. President Wilson's Address to Congress, August 27, 1913.

"Gentlemen of the Congress, it is clearly my duty to lay before you, very fully and without reservation, the facts concerning our present relations with the Republic of Mexico. The deplorable posture of affairs in Mexico I need not describe, but I deem it my duty to speak very frankly of what this Government has done and should seek to do in fulfillment of its obligation to Mexico herself, as a friend and neighbor, and to American citizens whose lives and vital interests are daily affected by the distressing conditions which now obtain beyond our southern border.

"Those conditions touch us very nearly. Not merely because they lie at our very doors. That of course makes us more vividly and more constantly conscious of them, and every instinct of neighborly interest and sympathy is aroused and quickened by them; but that is only one element in the determination of our duty. We are glad to call ourselves the friends of Mexico, and we shall, I hope, have many an occasion, in happier times as well as in these days of trouble and confusion, to show that our friendship is genuine and disinterested, capable of sacrifice and every generous manifestation. The peace, prosperity and contentment of Mexico mean more, much more, to us than merely an enlarged field for our commerce and enterprise. They mean an enlargement of the field of self-government and the realization of the hopes and rights of a nation with whose best aspirations, so long suppressed and disappointed, we deeply sympathize. We shall yet prove to the Mexican people that we know how to serve them without first thinking how we shall serve ourselves.

"But we are not the only friends of Mexico. The whole world

desires her peace and progress; and the whole world is interested as never before. Mexico lies at last where all the world looks on. Central America is about to be touched by the great routes of the world's trade and intercourse running free from ocean to ocean at the isthmus. The future has much in store for Mexico, as for all the states of Central America; but the best gifts can come to her only if she be ready and free to receive them and to enjoy them honorably. America in particular—America north and south and upon both continents—waits upon the development of Mexico; and that development can be sound and lasting only if it be the product of a genuine freedom, a just and ordered government founded upon law. Only so can it be peaceful or fruitful of the benefits of peace. Mexico has a great and enviable future before her, if only she choose and attain the paths of honest constitutional government.

"The present circumstances of the republic, I deeply regret to say, do not seem to promise even the foundations of such a peace. We have waited many months, months full of peril and anxiety, for the conditions there to improve, and they have not improved. They have grown worse, rather. The territory in some sort controlled by the provisional authorities at Mexico City has grown smaller, not larger. The prospect of the pacification of the country, even by arms, has seemed to grow more and more remote; and its pacification by the authorities at the capital is evidently impossible by any other means than force. Difficulties more and more entangle those who claim to constitute the legitimate government of the Republic. They have not made good their claim in fact. Their successes in the field have proved only temporary. War and disorder, devastation and confusion, seem to threaten to become the settled fortune of the distracted country. As friends we could wait no longer for a solution which every week seemed further away. It was our duty at least to volunteer our good offices—to offer to assist, if we might, in effecting some arrangement which would bring relief and peace and set up a universally acknowledged political authority there.

"Accordingly, I took the liberty of sending the Hon. John Lind, formerly governor of Minnesota, as my personal spokesman and representative, to the City of Mexico, with the following instructions:

"Press very earnestly upon the attention of those who are now exercising authority or wielding influence in Mexico the following considerations and advice:

"The Government of the United States does not feel at liberty any longer to stand inactively by while it becomes daily more and more evident that no real progress is being made toward the establishment of a government at the City of Mexico which the country will obey and respect.

"The Government of the United States does not stand in the same case with the other great governments of the world in respect of what is happening or what is likely to happen in Mexico. We offer our good offices, not only because of our genuine desire to play the part of a friend, but also because we are expected by the powers of the world to act as Mexico's nearest friend.

"We wish to act in these circumstances in the spirit of the most earnest and disinterested friendship. It is our purpose in whatever we do or propose in this perplexing and distressing situation not only to pay the most scrupulous regard to the sovereignty and independence of Mexico—that we take as a matter of course to which we are bound by every obligation of right and honor—but also to give every possible evidence that we act in the interest of Mexico alone, and not in the interest of any person or body of persons who may have personal or property claims in Mexico which they may feel that they have the right to press. We are seeking to counsel Mexico for her own good and in the interest of her own peace, and not for any other purpose whatever. The Government of the United States would deem itself discredited if it had any selfish or ulterior purpose in transactions where the peace, happiness and prosperity of a whole people are involved. It is acting as its friendship for Mexico, not as any selfish interest, dictates.

"The present situation in Mexico is incompatible with the fulfillment of international obligations on the part of Mexico, with the civilized development of Mexico herself, and with the maintenance of tolerable political and economic conditions in Central America. It is upon no common occasion, therefore, that the United States offers her counsel and assistance. All America cries out for a settlement.

"A satisfactory settlement seems to us to be conditioned on:

"(*a*) An immediate cessation of fighting throughout Mexico, a definite armistice solemnly entered into and scrupulously observed.

"(*b*) Security given for an early and free election in which all will agree to take part.

"(*c*) The consent of General Huerta to bind himself not to be a candidate for election as President of the Republic at this election.

"(*d*) The agreement of all parties to abide by the results of the election and co-operate in the most loyal way in organizing and supporting the new administration.

"The Government of the United States will be glad to play any part in this settlement or in its carrying out which it can play honorably and consistently with international right. It pledges itself to recognize and in every way possible and proper to assist the administration chosen and set up in Mexico in the way and on the conditions suggested.

"Taking all the existing conditions into consideration, the Government of the United States can conceive of no reasons sufficient to justify those who are now attempting to shape the policy or exercise the authority of Mexico in declining the offices of friendship thus offered. Can Mexico give the civilized world a satisfactory reason for rejecting our good offices? If Mexico can suggest any better way in which to show our friendship, serve the people of Mexico, and meet our international obligations, we are more than willing to consider the suggestion.[1]

"Mr. Lind executed his delicate and difficult mission with singular tact, firmness and good judgment, and made clear to the authorities at the City of Mexico not only the purpose of his visit but also the spirit in which it had been undertaken. But the proposals he submitted were rejected, in a note the full text of which I take the liberty of laying before you.[2]

"I am led to believe that they were rejected partly because the authorities at Mexico City had been grossly misinformed and misled

[1] What purports to be Mr. Lind's presentation of this subject matter was published in the *North American Review*, April, 1914.

[2] The note referred to, signed by F. Gamboa, secretary for foreign affairs, dated August 16, 1913, is not here reprinted. Its text can be found in 7 *American Journal of International Law*, Supplement, 284–292. The contentions of Señor Gamboa set forth in the note are: "The imputation that no progress has been made toward establishing in the capital of Mexico a government that may enjoy the respect and obedience of the Mexican people is unfounded." He "fails to understand what the Government of the United States of America means by saying that it does not find itself in the same case with reference to the other nations of the earth concerning what is happening and is likely to happen in Mexico." He rejected good offices "of the character of those now tendered to us." He suggested that the United States "should only watch that no material and monetary assistance is given to rebels who find refuge, conspire and provide themselves with food on the other side of the border." "Mr. Wilson is laboring under a serious delusion when he declares that the present situation of Mexico is incom-

upon two points. They did not realize the spirit of the American people in this matter, their earnest friendliness and yet sober determination that some just solution be found for the Mexican difficulties; and they did not believe that the present administration spoke, through Mr. Lind, for the people of the United States. The effect of this unfortunate misunderstanding on their part is to leave them singularly isolated and without friends who can effectually aid them. So long as the misunderstanding continues we can only await the time of their awakening to a realization of the actual facts. We cannot thrust our good offices upon them. The situation must be given a little more time to work itself out in the new circumstances; and I believe that only a little while will be necessary. For the circumstances are new. The rejection of our friendship makes them new and will inevitably bring its own alterations in the whole aspect of affairs. The actual situation of the authorities at Mexico City will presently be revealed.

"Meanwhile, what is it our duty to do? Clearly, everything that we do must be rooted in patience and done with calm and disinterested deliberation. Impatience on our part would be childish, and would be fraught with every risk of wrong and folly. We can afford to exercise the self-restraint of a really great nation which realizes its own strength and scorns to misuse it. It was our duty to offer our active assistance. It is now our duty to show what

patible with the compliance of her international obligations, with the development of its own civilization and with the required maintenance of certain political and economical conditions tolerable in Central America." He rejected the four conditions on these grounds: (*a*) "Bandits are not admitted to armistice; the first act against them is one of correction." (*b*) "As our laws already provide assurance [of free elections], there is no fear that the latter may not be observed during the coming election." The present government "will cede its place to the definite government which may be elected by the people." (*c*) General Huerta's agreeing not to be a candidate cannot be considered, because that "might be interpreted as a matter of personal dislike. This point can only be decided by Mexican public opinion when it may be expressed at the polls." (*d*) The pledge that all parties should agree to the results and co-operate in organizing and supporting the new administration "is something to be tacitly supposed and desired." Señor Gamboa argued that General Huerta legally held the position of provisional president according to article 85 of the constitution. Referring to the last sentence in Mr. Lind's instructions, Señor Gamboa suggested: "that our ambassador be received in Washington; that the United States of America send us a new ambassador, without previous conditions."

true neutrality will do to enable the people of Mexico to set their affairs in order again and wait for a further opportunity to offer our friendly counsels. The door is not closed against the resumption, either upon the initiative of Mexico or upon our own, of the effort to bring order out of the confusion by friendly co-operative action, should fortunate occasion offer.

"While we wait the contest of the rival forces will undoubtedly for a little while be sharper than ever, just because it will be plain that an end must be made of the existing situation, and that very promptly; and with the increased activity of the contending factions will come, it is to be feared, increased danger to the noncombatants in Mexico as well as to those actually in the field of battle. The position of outsiders is always particularly trying and full of hazard where there is civil strife and a whole country is upset. We should earnestly urge all Americans to leave Mexico at once, and should assist them to get away in every way possible,—not because we would mean to slacken in the least our efforts to safeguard their lives and their interests, but because it is imperative that they should take no unnecessary risks when it is physically possible for them to leave the country. We should let every one who assumes to exercise authority in any part of Mexico know in the most unequivocal way that we shall vigilantly watch the fortunes of those Americans who cannot get away, and shall hold those responsible for their sufferings and losses to a definite reckoning. That can be and will be made plain beyond the possibility of a misunderstanding.

"For the rest, I deem it my duty to exercise the authority conferred upon me by the law of March 14, 1912, to see to it that neither side to the struggle now going on in Mexico receive any assistance from this side the border. I shall follow the best practice of nations in the matter of neutrality by forbidding the exportation of arms or munitions of war of any kind from the United States to any part of the Republic of Mexico—a policy suggested by several interesting precedents and certainly dictated by many manifest considerations of practical expediency. We cannot in the circumstances be the partisans of either party to the contest that now distracts Mexico or constitute ourselves the virtual umpire between them.

"I am happy to say that several of the great Governments of the world have given this Government their generous moral support in urging upon the provisional authorities at the City of Mexico the acceptance of our proffered good offices in the spirit in which they were made. We have not acted in this matter under the ordinary principles of international obligation. All the world expects us in such circumstances to act as Mexico's nearest friend and intimate adviser. This is our immemorial relation toward her. There is nowhere any serious question that we have the moral right in the case or that we are acting in the interest of a fair settlement and of good government, not for the promotion of some selfish interest of our own. If further motive were necessary than our own good will toward a sister republic and our own deep concern to see peace and order prevail in Central America, this consent of mankind to what we are attempting, this attitude of the great nations of the world toward what we may attempt in dealing with this distressed people at our doors, should make us feel the more solemnly bound to go to the utmost length of patience and forbearance in this painful and anxious business. The steady pressure of moral force will before many days break the barriers of pride and prejudice down, and we shall triumph as Mexico's friends sooner than we could triumph as her enemies—and how much more handsomely, with how much higher and finer satisfactions of conscience and of honor!"

In the President's annual address to Congress on December 2, 1913, he referred to the Mexican situation again. At that time he said:

b. Excerpt from President Wilson's Annual Address, December 2, 1913.

"There is but one cloud upon our horizon. That has shown itself to the south of us, and hangs over Mexico. There can be no certain prospect of peace in America until General Huerta has surrendered his usurped authority in Mexico; until it is understood on all hands, indeed, that such pretended governments will not be countenanced or dealt with by the Government of the United States. We are the

friends of constitutional government in America; we are more than its friends, we are its champions; because in no other way can our neighbors, to whom we would wish in every way to make proof of our friendship, work out their own development in peace and liberty. Mexico has no government. The attempt to maintain one at the City of Mexico has broken down, and a mere military despotism has been set up which has hardly more than the semblance of national authority. It originated in the usurpation of Victoriano Huerta, who, after a brief attempt to play the part of constitutional President, has at last cast aside even the pretense of legal right and declared himself dictator. As a consequence, a condition of affairs now exists in Mexico which has made it doubtful whether even the most elementary and fundamental rights either of her own people or of the citizens of other countries resident within her territory can long be successfully safeguarded, and which threatens, if long continued, to imperil the interests of peace, order and tolerable life in the lands immediately to the south of us. Even if the usurper had succeeded in his purposes, in despite of the constitution of the Republic and the rights of its people, he would have set up nothing but a precarious and hateful power, which could have lasted but a little while, and whose eventual downfall would have left the country in a more deplorable condition than ever. But he has not succeeded. He has forfeited the respect and the moral support even of those who were at one time willing to see him succeed. Little by little he has been completely isolated. By a little every day his power and prestige are crumbling and the collapse is not far away. We shall not, I believe, be obliged to alter our policy of watchful waiting. And then, when the end comes, we shall hope to see constitutional order restored in distressed Mexico by the concert and energy of such of her leaders as prefer the liberty of their people to their own ambitions."

Mexican conditions continued to grow less rather than more settled. Very definite opposition arose to General Huerta in several quarters, and several times citizens of the United States within the country were victims of attacks. The American Government did all

that it could to induce its citizens to withdraw, and one of the incidents of the winter was a wholesale exodus of such persons from Mexico. On January 13, 1914, the Huerta government suspended for six months payment of interest on the national debt, and on the 16th France, Germany, and Great Britain protested this action. On February 2 President Wilson by executive order revoked the proclamation of March 14, 1912,[1] of President Taft forbidding the shipment of arms and munitions of war into Mexico. The situation became critical. Finally the events which called forth action were reviewed by the President in his address to Congress on April 20, 1914, in which he said:

c. President Wilson's Address to Congress, April 20, 1914.

"Gentlemen of the Congress, it is my duty to call your attention to a situation which has arisen in our dealings with Gen. Victoriano Huerta at Mexico City which calls for action, and to ask your advice and co-operation in acting upon it. On the 9th of April a paymaster of the U. S. S. *Dolphin* landed at the Iturbide Bridge landing at Tampico with a whaleboat and boat's crew to take off certain supplies needed by his ship, and while engaged in loading the boat was arrested by an officer and squad of men of the army of General Huerta. Neither the paymaster nor any one of the boat's crew was armed. Two of the men were in the boat when the arrest took place, and were obliged to leave it and submit to be taken into custody, notwithstanding the fact that the boat carried, both at her bow and at her stern, the flag of the United States. The officer who made the arrest was proceeding up one of the streets of the town with his prisoners when met by an officer of higher authority, who ordered him to return to the landing and await orders; and within an hour and a half from the time of the arrest orders were received from the commander of the Huertista forces at Tampico for the release of the paymaster and his men. The release was followed by apologies from the commander and later by an expression of regret by General Huerta himself. General Huerta urged that martial law obtained at the time at

[1] U. S. Stat. at L., 37, 1733.

Tampico; that orders had been issued that no one should be allowed to land at the Iturbide Bridge; and that our sailors had no right to land there. Our naval commanders at the port had not been notified of any such prohibition; and, even if they had been, the only justifiable course open to the local authorities would have been to request the paymaster and his crew to withdraw and to lodge a protest with the commanding officer of the fleet. Admiral Mayo regarded the arrest as so serious an affront that he was not satisfied with the apologies offered, but demanded that the flag of the United States be saluted with special ceremony by the military commander of the port.

"The incident cannot be regarded as a trivial one, especially as two of the men arrested were taken from the boat itself—that is to say, from the territory of the United States—but had it stood by itself it might have been attributed to the ignorance or arrogance of a single officer. Unfortunately, it was not an isolated case. A series of incidents have recently occurred which cannot but create the impression that the representatives of General Huerta were willing to go out of their way to show disregard for the dignity and rights of this Government and felt perfectly safe in doing what they pleased, making free to show in many ways their irritation and contempt. A few days after the incident at Tampico an orderly from the U. S. S. *Minnesota* was arrested at Vera Cruz while ashore in uniform to obtain the ship's mail and was for a time thrown into jail. An official dispatch from this Government to its embassy at Mexico City was withheld by the authorities of the telegraphic service until peremptorily demanded by our chargé d'affaires in person. So far as I can learn, such wrongs and annoyances have been suffered to occur only against representatives of the United States. I have heard of no complaints from other Governments of similar treatment. Subsequent explanations and formal apologies did not and could not alter the popular impression, which it is possible it had been the object of the Huertista authorities to create, that the Government of the United States was being singled out, and might be singled out with impunity, for slights and affronts in retaliation for its refusal to recognize the pretensions of General Huerta to be regarded as the constitutional provisional President of the Republic of Mexico.

"The manifest danger of such a situation was that such offenses might grow from bad to worse, until something happened of so gross and intolerable a sort as to lead directly and inevitably to armed conflict. It was necessary that the apologies of General Huerta and his representatives should go much further; that they should be such as to attract the attention of the whole population to their significance and such as to impress upon General Huerta himself the necessity of seeing to it that no further occasion for explanations and professed regrets should arise. I therefore felt it my duty to sustain Admiral Mayo in the whole of his demand and to insist that the flag of the United States should be saluted in such a way as to indicate a new spirit and attitude on the part of the Huertistas.

"Such a salute General Huerta has refused, and I have come to ask your approval and support in the course I now purpose to pursue.

"This Government can, I earnestly hope, in no circumstances be forced into war with the people of Mexico. Mexico is torn by civil strife. If we are to accept the tests of its own constitution, it has no government. General Huerta has set his power up in the City of Mexico, such as it is, without right and by methods for which there can be no justification. Only part of the country is under his control. If armed conflict should unhappily come as a result of his attitude of personal resentment toward this Government, we should be fighting only General Huerta and those who adhere to him and give him their support, and our object would be only to restore to the people of the distracted Republic the opportunity to set up again their own laws and their own Government.

"But I earnestly hope that war is not now in question. I believe that I speak for the American people when I say that we do not desire to control in any degree the affairs of our sister Republic. Our feeling for the people of Mexico is one of deep and genuine friendship, and everything that we have so far done or refrained from doing has proceeded from our desire to help them, not to hinder or embarrass them. We would not wish even to exercise the good offices of friendship without their welcome and consent. The people of Mexico are entitled to settle their own domestic affairs in their

own way, and we sincerely desire to respect their right. The present situation need have none of the grave implications of interference if we deal with it promptly, firmly, and wisely.

"No doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to the Congress and yet not exceed my constitutional powers as President, but I do not wish to act in a matter possibly of so grave consequence except in close conference and co-operation with both the Senate and House. I therefore come to ask your approval that I should use the armed forces of the United States in such ways and to such an extent as may be necessary to obtain from General Huerta and his adherents the fullest recognition of the rights and dignity of the United States, even amidst the distressing conditions now unhappily obtaining in Mexico.

"There can in what we do be no thought of aggression or of selfish aggrandizement. We seek to maintain the dignity and authority of the United States only because we wish always to keep our great influence unimpaired for the uses of liberty, both in the United States and wherever else it may be employed for the benefit of mankind."

As a result of the President's address, authority for action was given by the following resolution of Congress:

d. Joint Resolution justifying the Employment of the Armed Forces of the United States by the President.[1]

In view of the facts presented by the President of the United States in his address delivered to the Congress in joint session on the twentieth day of April, 1914, with regard to certain affronts and indignities committed against the United States in Mexico: Be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is justified in the employment of the armed forces of the United States to enforce his demand for unequivocal amends for certain affronts and indignities committed against the United States.

[1] U. S. Stat. at L., 38, 770.

Be it further resolved, That the United States disclaims any hostility to the Mexican people or any purpose to make war upon Mexico.

Approved April 22, 1914.

On April 21, the President ordered Admiral Fletcher to take possession of the customhouse at Vera Cruz to prevent the landing of the munitions cargo of the German ship *Ypiranga*, consisting of 15,000,000 rounds of ammunition and 200 rapid fire guns consigned to General Huerta. The customhouse was occupied by American marines and sailors after fighting in which 19 Americans were killed and 70 were wounded, the Mexican casualties being 126 killed and 195 wounded. Fighting continued for several days. On April 22 passports were handed by General Huerta to Nelson O'Shaughnessy, the American chargé d'affaires at Mexico City, and on April 23 the Mexican chargé d'affaires at Washington, A. Algara R. de Terreros, asked for and received his passports. President Wilson restored the embargo on the shipment of arms into Mexico on April 23. On April 24 the Fifth Brigade of the United States army sailed from Galveston, Texas, for Vera Cruz.

On April 25, the ambassador of the United States of Brazil, the ministers of the Argentine Republic and the Republic of Chile, and the Secretary of State of the United States, made a joint tender of good offices.

e. Tender and Acceptance of Good Offices and Mediation.

(1.) *The Brazilian Ambassador and the Argentine and Chilian Ministers to the Secretary of State.*

Washington, April 25, 1914.

Mr. Secretary of State:

With the purpose of subserving the interests of peace and civilization on our continent, and with the earnest desire to prevent any further bloodshed, to the prejudice of the cordiality and union which have always surrounded the relations of the governments and peoples of America, we, the plenipotentiaries of Brazil, Argentina and Chile, duly authorized hereto, have the honor to tender to your Excellency's Government our good offices for the peaceful and friendly settlement of the conflict between the United States and Mexico.

This offer puts in due form the suggestions which we have had occasion to offer heretofore on the subject to the secretary, to whom we renew the assurances of our highest and most distinguished consideration.

D. Da Gama.
R. S. Naón.
Eduardo Suárez-Mujica.

(2.) *The Secretary of State to the Brazilian Ambassador and the Argentine and Chilian Ministers.*

Department of State,
Washington, April 25, 1914.

The Government of the United States is deeply sensible of the friendliness, the good feeling and the generous concern for the peace and welfare of America manifested in the joint note just received from your Excellencies tendering the good offices of your Governments to effect, if possible, a settlement of the present difficulties between the Government of the United States and those who now claim to represent our sister Republic of Mexico.

Conscious of the purpose with which the proffer is made, this Government does not feel at liberty to decline it. Its own chief interest is in the peace of America, the cordial intercourse of her republics and their people, and the happiness and prosperity which can spring only out of frank, mutual understandings and the friendship which is created by common purpose.

The generous offer of your Governments is therefore accepted. This Government hopes most earnestly that you may find those who speak for the several elements of the Mexican people willing and ready to discuss terms of satisfactory, and therefore permanent, settlement. If you should find them willing, this Government will be glad to take up with you for discussion in the frankest and most conciliatory spirit any proposals that may be authoritatively formulated, and will hope that they may prove feasible and prophetic of a new day of mutual co-operation and confidence in America.

This Government feels bound in candor to say that, its diplomatic relations with Mexico being for the present severed, it is not possible for it to make sure of an uninterrupted opportunity to carry out the plan of intermediation which you propose. It is, of course, possible that some act of aggression on the part of those who control the military forces of Mexico might oblige the United States to act, to the upsetting of the hopes of

immediate peace; but this does not justify us in hesitating to accept your generous suggestion.

We shall hope for the best results within a time brief enough to relieve our anxiety lest ill-considered hostile demonstrations should interrupt negotiations and disappoint our hopes of peace.

The text of the mediators' tender to General Huerta is not available. It was probably identical with the first paragraph of the tender to the United States.

General Huerta accepted the tender of good offices on April 27 through the Spanish ambassador at Washington, who was acting for him diplomatically owing to lack of Mexican diplomatic representation near the Government of the United States. The acceptance by Señor Lopez Portillo y Rojas, his minister for foreign affairs, was "in principle":

(3.) *General Huerta's Minister for Foreign Affairs to the Brazilian Ambassador and the Argentine and Chilian Ministers.*[1]

(CABLEGRAM.—VERY URGENT.)

MEXICO CITY, April 27, 1914.

With reference to yesterday's telegram, tell the Spanish Ambassador that mediation is accepted in principle, and that we are very much obliged for his good offices, as well as to the representatives of the A. B. C., which are a proof of the solidarity of the peoples of Spanish origin.[2]

LOPEZ PORTILLO Y ROJAS.

[1] Boston *Evening Transcript*, May 2, 1914.

[2] The under-secretary for foreign affairs, Roberto Esteva Ruiz, in a statement to the New York *Tribune* (April 28, 1914) said:

"The Mexican chancellery accepted this mediation because all its efforts in the international conflict with the United States have been directed exclusively to the defense of the nation's honor and dignity, and, in consequence, if the opportunity presents itself of solving the conflict by peaceful means, the Mexican chancellery considers it the duty of patriotism to accept those means on the basis that, whatever arrangement may be concluded, care will be had that Mexico's name be honorably placed. . . . The Government's purpose has been to repel offenses done to the Mexican fatherland. But as soon as, in accordance with treaties signed at The Hague and with international practices, the possibility was presented of defending Mexico's honor through the friendly mediation of sister nations the Government accepted the spontaneous offer of the latter."

(4.) *Exchange of notes between the Mediating Diplomats and General Venustiano Carranza, first chief of the revolution opposed to General Huerta.*[1]

i. The mediators to General Carranza, April 28, 1914.

We, the diplomatic representatives of Brazil, Argentina and Chile, empowered by our respective Governments to extend an offer of our good offices to all parties at interest in the problem of the pacification of Mexico and the adjustment of the differences between Mexico and the United States, herewith invite your attention to the facts in your capacity as Supreme Chief of the revolution, and we feel assured that you will accept the proposition in principle. Recognizing the sentiments of high patriotism which animate you, we take the liberty of transmitting this communication to you directly after having failed after several attempts to have our message communicated to you by your agents here.

ii. General Carranza to the mediators, April 29, 1914.

I thank you sincerely for the offer which you have so kindly made me in behalf of your respective Governments in an attempt to solve in a peaceful and friendly way the differences between Mexico and the United States. Therefore, by authority of my position as First Chief of the revolution, I accept in principle the good offices of Brazil, Argentina and Chile, through their distinguished representatives.

Reserving to myself the right to enter into details of the negotiations, it affords the greatest satisfaction to assure you of my most distinguished consideration.

On April 30, the United States and General Huerta had agreed to a mutual suspension of hostilities at the request of the mediators. The United States was to remain in occupation of Vera Cruz, but not to advance; the Huertistas were not to attempt to displace them. General Carranza would not consent to rest on his arms and as a consequence was not represented at the mediatory proceedings.

f. Correspondence respecting an Armistice.

(1.) *The Mediators to the United States, General Huerta and General Carranza.*

(Not available.)

[1] New York *Times*, April 30, 1914. General Carranza was titular chief of the Constitutionalist party. Its political purposes are set forth in Sen. Doc. No. 153, 63d Cong., 1st Sess.

(2.) *The Secretary of State to the Mediators.*

(April 29, 1914, not available.)

(3.) *General Huerta to the Mediators.*

(April 30, 1914, not available.)

(4.) *General Carranza to the Mediators, May 2, 1914.*[1]

I again direct myself to you for the purpose of answering your message relative to the armistice. Calling your attention to the fact that the international conflict with the United States was internationally provoked by Huerta and for the solution of this I hurriedly accepted, in principle only, the good offices of Brazil, Argentina and Chile, but this act is independent of our internal strife for liberty and law. I consider it inconvenient for the rebel cause that I represent to suspend hostilities and military movements because said suspension would accrue only to the benefit of Huerta in the civil war now going on in Mexico between the usurper Huerta and the Constitutionalist army under my command. The sovereign citizenship is in arms with all activity to re-establish the constitutional order which will produce peace.

By virtue of the above, I state to you that I cannot accept the armistice which you propose.

Consider me as one acting solely with the determination of doing only what I consider best for the interests of his native country.

V. Carranza.

(5.) *The Mediators to General Carranza, May 3, 1914.*

We have received your courteous telegraphic message of yesterday in which you inform us that you deem it inadvisable for the Constitutionalist cause to suspend hostilities against General Huerta because such suspension would benefit the latter only, and in which you state that the international conflict between Mexico and the United States, for the solution of which you accepted our good offices, is independent of the internal strife in that country.

We consider this unexpected declaration incompatible with the purpose which prompted our tender of good offices. We believe, as a matter of fact, that all difficulties which have contributed to bring about the present situation of Mexico directly or undirectly affect the solution of the conflict pending between Mexico and the United States, and consequently we

[1] New York *Times*, May 4, 1914.

understand that they must be made the subject of consideration in the negotiations for the full success of which we have deemed the suspension of hostilities to be indispensable.

If you should not so understand, we would be compelled to withdraw as inofficious our invitation to appoint representatives of the Constitutionalist party to attend these negotiations. We greet you with all our consideration.

At a later time, General Carranza sought to enter the mediation conference, but was not willing to suspend hostilities. As a consequence, the mediation progressed without the presence of his delegates.

Niagara Falls, Ont., was selected as the place of the conferences, which opened on May 20, 1914. The commissioners for the United States were Supreme Court Justice Joseph Rucker Lamar and Hon. Frederick W. Lehmann, assisted by H. Percival Dodge, as secretary. General Huerta's delegates were Señores Emilio Rabasa, Augustin Rodriguez and Luis Elguero, assisted by Señor Rafael Elguero, as secretary.

g. Protocols of the Mediatory Conferences held at Niagara Falls, Ont., May 20–June 25, 1914.[1]

(1.) *No. 1, May 20, 1914.*

i. Opening Address of Domicio da Gama, Ambassador from the United States of Brazil, as Chairman of the Mediators.[2]

The mediators extend to you a sincere welcome and trust that we shall not part until your hopes have been realized. Your hopes are undoubtedly the same which encouraged us to undertake this work of international sympathy, born of the ardent desire that the serene progress of civilization in America be not interrupted by the disastrous violences of a war between sister nations.

Many and varied are the thoughts which agitate our minds at this dramatic moment of our political life, but dominating all, as an imperative call of American sentiment, duty impels us not to spare any effort to discover and elucidate the causes of the Mexican conflict. It was with this

[1] Arranged on the authority of a dispatch to the New York *Tribune*, June 13, 1914.

[2] New York *Tribune*, May 21, 1914.

end in view and in order to ascertain the sources of the evil and provide a speedy remedy that we invited you, gentlemen, to attend this peace conference, held in this hospitable and friendly land, which, although under the flag of a powerful European empire, entertains and stands for sentiments of the purest Americanism.

Delegates of the United States of America, delegates of the United Mexican States, we are in need of your enlightenment in order to be able to arrive at a solution of the conflict which threatens the harmony between your nations with destruction. It is apparent that we were working for you, in the first place, when we offered you our services as mediators in the present conflict; and there is no doubt of the fact that you will derive the principal benefit from any good results of our work.

But as an ultimate and more important consequence than a mere solution of a contention between nations whose differences are not due to antagonistic results, we must throw such light upon this conference as will show it in history as an expression of the sentiments of that human solidarity which, not content with enjoying peace in solitude, seeks to extend its benefits to all.

This is the sentiment which prompted our tender of good offices to the United States and to Mexico; which sustained our spirit when almost overcome by the difficulties which beset our path, and, with the aid of your Governments, we hope to be able to overcome. If we succeed in doing so, we shall have affirmed by a striking example the never-to-be-forgotten lesson that even in the midst of the turmoil of battle and the unchained tempests of hate and conflicting ambitions, above all this tumult, will be heard the clear and persuasive voice of reason counseling the sacrifice of persons in favor of the collective interests of the people and spreading the gospel of peace and justice.

ii. Rules of Procedure.[1]

First, the plenipotentiaries of Brazil, Argentina and Chile will preside over the conferences. The Brazilian ambassador will direct the proceedings of the conferences.

Second, the minutes of the proceedings will be signed by the representatives and the three mediators; they will be countersigned by the three secretaries of the mediators and said minutes shall be drafted in English, Spanish and Portuguese and five copies thereof shall be made, namely, one copy for each of the representatives and one copy for each of the mediators. The deliberations shall be secret.

[1] Boston *Evening Transcript*, May 21, 1914.

Third, the full conference will be held, first, for the expression of the views of the representatives upon their request; second, for the presentation of basis of same; third, for their acceptance or rejection.

Fourth, the conferences will be closed by a full final session at which will be stated all the particular circumstances which were considered in arriving at the final result of the conference, whatever such result may be. In the event of a favorable solution being reached, the minutes of the last full session at which said solution was accepted shall form the basis of the protocol of documents to be signed.

Fifth, closing addresses by the mediators and representatives, should they so desire.

(2.) *No. 2, June 2, 1914.*

i. Statement of policy by Mexican delegation.[1]

In accordance with the instructions which the Mexican delegation has had since the beginning of the peace negotiations, its members declared at the first full conference, that is to say, in the presence of the mediating plenipotentiaries and of the delegates of the United States of America, that President Huerta's personality is not an obstacle to the reaching of a satisfactory conclusion. General Huerta is prepared to withdraw from the government on condition that at the time of his withdrawal Mexico shall be politically pacified and the government succeeding his shall be such as to count on the acquiescence of the governed and on the support of public opinion, which constitute the real basis for peace and stability in any country.

It has been and is President Huerta's wish to place on record that neither mistaken pride nor personal interest will prevent his withdrawal once the above named conditions are satisfied.

The Mexican Government accepted the mediation of the South American powers, Brazil, Argentina and Chile, in a frank and open spirit, and the Mexican delegation has been guided and will be guided in all its acts by perfect good faith.

It should be unnecessary to say that President Huerta gave the Mexican delegation special instructions not to consent to anything which would hurt the sovereignty of the Mexican nation and to refuse a hearing in the deliberations of the conference to anything which might be construed as an imposition from the outside. For their own part the delegates would

[1] New York *Sun*, June 3, 1914.

not have accepted instructions of a different nature on these points; but they beg to state that hitherto they had no occasion to refer to them, thanks to the exquisite tact of the mediating plenipotentiaries and to the circumspection of the American delegates.

To treat of the interior pacification of Mexico in the course of deliberations on difficulties of an international character cannot be considered as submitting the sovereignty of the nation to an external influence. Said pacification is necessarily bound up with the international questions. This has been appreciated by the Mexican delegation, and in setting forth the intentions of its Government in the matter and in its endeavors to bring about the pacification it has been inspired by the knowledge that without it no satisfactory conclusion can be arrived at in the international question.

(3.) *No. 3, June 12, 1914.*[1]

A government is to be constituted in Mexico of a character to be later provided, which shall be recognized in Mexico City (date to be fixed) and which from that day forward shall exercise public functions until there shall be inaugurated a constitutional President.

(4.) *Final Protocol, June 24, 1914.*

ARTICLE 1. The provisional government referred to in the protocol No. 3 shall be constituted by agreement of the delegates representing the parties between which the internal struggle in Mexico is taking place.

ART. 2. (*a*) Upon the constitution of the provisional government in the City of Mexico, the Government of the United States of America will recognize it immediately and thereupon diplomatic relations between the two countries will be restored.

(*b*) The Government of the United States of America will not in any form whatsoever claim a war indemnity or other international satisfaction.

(*c*) The provisional government will proclaim an absolute amnesty to all foreigners for any and all political offenses committed during the period of civil war in Mexico.

(*d*) The provisional government will negotiate for the constitution of international commissions for the settlement of the claims of foreigners on account of damages sustained during the period of civil war as a consequence of military acts or the acts of national authorities.

[1] Boston *Globe*, June 13, 1914.

ART. 3. The three mediating governments agree on their part to recognize the provisional government organized as provided by Article 1 of this protocol.[1]

h. RESOLUTION OF THE PAN AMERICAN UNION, MAY 6, 1914.[2]

"The official Pan American response to the mediatory efforts occurred in the meeting of the Governing Board of the Pan American Union on May 6, 1914. During that meeting Secretary of State Bryan, who as chairman *ex officio* was the representative of the United States on the board, expressed his appreciation of the tender of three of the Governments of the Union, Argentina, Brazil, and Chile, for mediation on behalf of peace on this continent, to which the Brazilian ambassador, Senhor Domicio da Gama, replied in appropriate terms. At the conclusion of the remarks, Dr. Gonzalo S. Córdova, the minister from Ecuador, acting under instructions from his Government, introduced the following resolution, which was seconded by the other diplomats present, and approved by unanimous vote:

"The Pan American Union applauds and supports the mediation offered by the Governments of Argentina, Brazil, and Chile, through the medium of their distinguished representatives, for the preservation of the peace of the American Continent."

[1] The Mexican Senate in a short, secret session on July 11, 1914, expressed its approval of the protocol. Though the protocol did not require formal ratification, it was submitted to the Senate in order that the Executive might be guided by its opinion and advice. (New York *Times*, July 11, 1914.)

[2] *Bulletin of the Pan American Union*, Vol. 38, page 853.

4. The Pan American Union and Neutrality.

a. Resolution of the Governing Board of Pan American Union, December 8, 1914.[1]

The Governing Board of the Pan American Union declares:

1. That the magnitude of the present European war presents new problems of international law, the solution of which is of equal interest to the entire world.

2. That in the form in which the operations of the belligerents are developing, they redound to the injury of the neutrals.

3. That the principal cause for this result is that the respective rights of the belligerents and of the neutrals are not clearly defined, notwithstanding that such definition is demanded both by general convenience and by the spirit of justice, which doubtless animates the belligerents with respect to the interests of the neutrals.

4. That considerations of every character call for a definition of such rights as promptly as possible upon the principle that liberty of commerce should not be restricted beyond the point indispensable for military operations.

On these grounds the Governing Board of the Pan American Union resolves:

1. A special commission of the same is hereby appointed to consist of nine members, of which the Secretary of State of the United States shall form part, acting as chairman thereof *ex officio*.

2. This commission shall study the problems presented by the present European war and shall submit to the Governing Board the suggestions it may deem of common interest. In the study of

[1] At the meeting delegates from eight American Republics, most of them acting under specific instructions from their Governments, urged united action by the American nations to assert the necessity of newer and clearer definitions of neutral and belligerent rights, and to consider some of the burdens placed upon commerce by the European war. It was declared by some of the speakers that the complications between American and European states already resulting from the presence of belligerent warships in American waters had demonstrated anew the vital need of Pan American solidarity.

questions of technical character this commission will consult the Board of Jurists.[1]

3. Each Government may submit to the committee such plans or suggested resolutions as may be deemed convenient, on the different subjects that circumstances suggest.[2]

b. Statement of the Venezuelan Minister in submitting Venezuela's Proposition to the Special Neutrality Committee of the Pan American Union, January 7, 1915.

I am profoundly grateful for the invitation extended to me by the Special Committee of the Governing Board of the Pan American Union to present at this meeting the memorandum of Venezuela relative to the rights of neutrals.

I have already had the honor to deliver to each one of the members of the Committee, as well as to each of the diplomatic representatives of the neutral powers accredited to Washington, the statement of the reasons upon which the Venezuelan Government has based its suggestion to the neutral nations for the gathering of a special congress.

We all agree that the circumstances attending modern warfare demand, more sternly each day, new limitations of the rights of belligerents in order to safeguard the rights of neutrals, and that it is beyond discussion that over against the rights of belligerents, stand the rights of neutrals to prepare and organize an effective action for their own security.

This is the action proposed by Venezuela, in the shape of a Congress of Neutrals to define, in the light of modern warfare, the rights and duties of neutrals, and in time to submit their conclusions to a

[1] The International Commission of Jurists exists under a convention signed at Third International American Conference on August 23, 1906, "for the purpose of preparing a draft of a code of private international law and one of public international law regulating the relations between the nations of America." The commission met and organized at Rio de Janeiro, June 26–July 20, 1912, since which time committees of delegates have been at work.

[2] The committee was immediately appointed, to consist of the secretary of state of the United States, and the ambassadors from Brazil, Chile and Argentina; and the ministers from Uruguay, Peru, Ecuador and Honduras.

congress of all nations; these conclusions, after being unanimously accepted,—as it is meet they should be, as a matter of justice and expediency, because the belligerent of to-day is the neutral of to-morrow,—should be embodied definitely in international law.

The Venezuelan Government also believes that such a congress might establish a new duty, that of a union of neutrals in case of conflicts of the magnitude of the present, in order to protect their own interests: a duty the logical consequence of which would be a new right, that of mediating, which should of course be exercised with all such restrictions and limitations as would make it compatible with the respect due to the rights of belligerents. Thus we should, by a further step, come to the creation of a permanent body, which from the very beginning of a conflict would represent such union of neutrals, and in the exercise of its right to be heard might in the majority of cases avoid a rupture, and in any case might limit the extent, duration and range of hostilities.

The initiation of a congress of such a character should come from the American Republics, which, beside their traditional efforts for the success of international arbitration, enjoy the possession of absolute neutrality.

My Government, therefore, believes that your Committee is the one called upon to consider and prepare all questions relating to such congress.

Finally, the Government of Venezuela would be especially gratified, should the suggestion be adopted, that the initiative for the holding of such congress should come from the United States of America, because of the exceptional position it now holds in relation to both belligerents and neutrals, and as a fitting crown to the labors in which both President Wilson and Secretary of State Bryan have been engaged, with earnest and serene enthusiasm, in behalf of universal peace.

The suggestion of Venezuela is, in short, to embody, as soon as possible, in the law of nations, as finally defined and accepted by all nations, both the modifications that the present war has already indicated, and those that may be foreseen from its own evolution. The preparation of the program of such questions would devolve

upon the American nations which have initiated the idea of revising the rights and duties of neutrals. As to the calling of the congress, the proper time and place of meeting, as well as whether the gathering is to take place in one session or two, *i.e.*, whether the neutrals only are to be invited first, and then the belligerents, or whether both belligerents and neutrals are to meet together, Venezuela proposes that this be left to the wise decision of the Government of the United States of America.

(1) *Memorandum of the Ministry of Foreign Affairs of the United States of Venezuela concerning the Rights of Neutrals.*

(TRANSLATION.)

In time of war the duties of neutrality are invoked at every stage. Neutrals themselves, in order to justify any action demanded or opposed by any of the belligerents, adduce the duties which their position as neutrals makes apparent to them. But, fundamentally, they have not only duties to perform: they also have rights which they may claim. Like every juridic situation, neutrality will engender correlative rights and duties. Modern internationalists, Richard Kleen in particular, have expounded the principle upon this point with such clarity that its remotest consequences can be foreseen and defined. In the light of pure doctrine, then, it seems that the rights of neutrals must be preserved in all their integrity, in order to be as sacred as those of belligerents. Nevertheless it is customarily admitted that neutrals, because international relationship obliges them not to limit the liberty of belligerents in operations of war, have to suffer not a diminution of their rights but a certain *temporary modification in the exercise of their rights.* This concept, by reason of its elasticity, seems not to accord with a criterion of strict justice. It is applicable to many cases in which neutrals suffer, not a momentary modification in the exercise of their rights, but an evident violation, more or less grave, of the rights themselves. Here are the two tendencies which, before war begins, struggle for predominance in international practice: on the one hand, the pretension that the rights of war suspend those of neutrals, that the interest of the belligerent prevails; on the other hand, the

aspiration to improve and extend the rights of neutrals without disregarding the legitimate rights of war, an aspiration which has come to be affirmed in just the degree in which international law has progressed and whose purpose is to establish a reasonable equilibrium of interest, more in accord with justice. The reality of these two tendencies, like the equilibrium desired, is proved by the history of some great peoples who, according to the interest of the particular moment, that is to say, as they were belligerents or neutrals, have alternately represented the two aspirations.

An impartial examination of the question in time of peace, when no circumstantial interest disturbs the calmness of judgment, leads to the conclusion that, in the conflict of belligerent rights with those of the neutral, although both are equally worthy of respect, the latter at least have in their favor reasons for demanding a preferential treatment, which surpass those of the belligerent. By unanimous conviction peace is the regular and logical state of international society. War is a disturbance, sometimes necessary, at times inevitable, but in every case a calamity, which belligerents are the first to suffer from and to deplore, and the responsibility for which they seek to evade. When the event of war occurs, the belligerent, although dragged into it by necessities and circumstances for which he may not be responsible, nevertheless claims and maintains an alteration from normal international relations. Neutrals, on the contrary, continue the regular and harmonious life of peace and this circumstance must not diminish in any considerable degree their right, nor render it inferior, or less to be heeded. Against reasoning so clear, the belligerent may adduce defense of the highest right of his own existence or of his own liberty. However exalted so fundamental a right may be and is, it is none the less certain that it is limited by the doctrine and practice of nations. The prohibition of using certain methods of hostility against the enemy because they are cruel or excessive are manifest limitations of the right of defense. So that new limitations of the right of belligerents respecting the right of neutrals are opposed neither to theory or practice. The circumstances in which modern war in each instance manifests itself with greater force are demanding similar limitations.

Without doubt this might be said of momentary modification in the exercise of rights of neutrals in ancient wars, when international life was scarcely outlined or was only slightly intense, and this may well be the case of neutrals to-day if war is localized in a determined region or limited and circumscribed in a precise manner by two nations, always providing that these by their position or importance are not of those who intervene forcibly in the world's activity. But in no way can this declaration be accepted in the case of conflicts like that which to-day holds the world preoccupied and in suspense, in which some of the richest and most civilized nations are taking part. And this occurs in a time of intense international life during which the internationalization of all interests is each day made more intimate, complex and inextricable, to the point where injury inflicted upon a single people penetrates in a sensible degree immediately and certainly to the most distant peoples.

Nothing proves this so manifestly as the general unbalancing by which at its very beginning the present conflict surprised and disturbed those things which are *par excellence* the most international, namely, commercial relations, economic activity, credit operations, circulation of gold, whatsoever implies the wealth of the world. At the very declaration of war, with economic damage inevitable for the belligerent nations and their subjects, there occurred an equivalent injury to neutral states and their populations, not only respecting the interests of those connected with the territory and the populations of the belligerents, but also with respect to their most vital interests even within their own territory.

Thus the action of the belligerent when he declares or accepts war is exercised as directly in the territory of neutrals as in his own territory.

It is true that in times of peace the effort has been occasionally made to modify the law of war in favor of the interests which it may affect. But the very operations of war develop with such rapidity that the evolution of law relating thereto comes slowly and after inevitable delay, even in spite of the most courageous efforts. A very notable and most important example of this is offered in the

doctrine of neutral commerce in time of war. The doctrine recognizes as legitimate the right of the neutral to trade with the belligerent, with a limitation at first sight just and necessary, namely, contraband of war. Such is the law. The actual fact is otherwise and tends to nullify the law. Methods of making war have multiplied to such a degree that the military art lays the most diverse industries under tribute. In the hour of conflict every industrial organ of a powerful state assists with the sole purpose of the common defense. War has the first call on the most varied products and the most dissimilar materials. Thus, as a result of the mere development of warlike mechanism, the list of articles which are considered or may be considered as contraband of war tends to enlarge and to acquire an unlimited extension. Those times are remote when common gunpowder and its components, lead and a few other metals were the only materials particularly under suspicion. To-day one is surprised at the number of articles which in past wars could not have been suspected, but which now are from day to day included in contraband of war. Unfortunately, as the list enlarges it comprises materials of the very widest applications. The prohibition therefore not only affects warlike industries but also, and gravely, peaceful industries. The right of the neutral to trade freely in them is on the way to annihilation.

Resulting from the constantly closer internationalization of interests, which little by little is evolving conceptions as rigid as sovereignty, such acts induce the thought that, although the sovereignty and the integrity of neutrals remain safe as far as persons are concerned, perhaps the same cannot be said concerning their interests, and even their most vital and deepest interests.

If neutrality has never been synonymous with indifference in the past, in these days it means that still less. Neutrals cannot be indifferent to universal economic damage, the probable consequence of the current war in Europe, if it should continue indefinitely, as there is reason to fear. The damage would be the same for all, even though for the moment it might appear that some countries gain by the war.

At the same time, because the present war is of huge proportions

and affects many of the civilized nations of the world, the precious fruits of civilization, which are common to all, and not the exclusive patrimony of any people, are in peril, along with very considerable economic interests.

One is driven to the conclusion that over against the active right of belligerents rises the right of neutrals to concert and organize a proper, efficacious and beneficent battle for security, in substitution for their old passivity, and by reason of the new solidarity in which injured interest has temporarily bound them together.

The application of this right does not lack precedents. History records instances of leagues of neutrals for the defense of freedom of commerce and navigation, like that of Sweden and Denmark of 1698, and the still more important one which originated from the manifesto of Catherine of Russia in 1780. If the principle immediately seems incontestable, its development and the mode of its exercise call for some discussion. The definition would correspond with a congress of neutrals which would have to revise, as is now necessary, rights and duties of neutrality in the light of the novelties introduced by modern war. Considering further that the principle, that the right of the belligerent takes precedence over that of the neutral, is held to be inacceptable in equity and justice, the congress might plan a new duty, that of uniting neutrals in the face of conflicts of the magnitude of the present one, which so directly and seriously injure them, in order to organize for the protection of their own interests; a duty whose logical consequence would be the new right, that of mediating, which would be exercised immediately with all those restrictions of circumstance and time which would render it compatible with the respect due to the right of belligerents. Mediation, thus made vital, would have results considerably more efficacious than the mediation customary in international practice. If this latter presents certain characteristics of officiousness and cannot open the way without consent by both belligerents, the mediation of a league of neutrals, without losing those characteristics, offers those very decisive ones of representing, with the good offices of impartial states, the voice of those who also labor to watch over and defend their injured interests. The conclusions at which the

congress would arrive would then be submitted to an assembly of all the nations, and would be unanimously recognized, as they would have to be in justice and for convenience, since the belligerent of to-day is the neutral of to-morrow. They would remain incorporated in international law as the effective conquest of civilization and the pledge of peace for the future. In this way, a further step would realize the creation of a permanent entity to represent the league of neutrals from the first sign of a conflict, and, by making itself heard as of right, it would in the majority of cases prevent the rupture; and it always would limit the extension, the duration, and the range of the hostilities.

In the face of the present conflict which includes peoples of Europe and of Asia, the initiative for a congress of neutrals belongs to the nations of America. Possessed of an absolute neutrality not subject to suspicion, by their geographic position, by their extensive connections with all belligerent peoples, by their character as pacific powers, by their traditional efforts for the success of international arbitration, gravely injured by the war as to their present situation and their future progress, the American nations are called to the high duty of mediation.

c. Memorandum of Hon. Robert Lansing, Secretary of State, as Member of American Institute of International Law.

At the first meeting of the Institute, I had the honor to direct attention to the imperfect code of rules which define and govern the relations between belligerents and neutrals. These rules, which have grown up during the past 125 years and have been in some cases differently interpreted by courts of different countries, have been frequently found inadequate to meet new conditions of warfare, and as a result every war has changed, modified, or added to the rules, generally through the process of judicial decisions. The prize courts of belligerents have thus become their interpreters of belligerent rights and neutral obligations, and their interpretations evidence an unconscious prejudice arising from over-appreciation of the needs of the belligerent.

Writers on international law have relied upon these prize court decisions in dealing with the subject of neutrality, so that they have laid down rules formulated indirectly from a belligerent's point of view. In addition to these influences affecting a code to govern the conduct and treatment of neutrals, international conferences and congresses have generally confided the drafting of rules relating to belligerent and neutral rights to military and naval experts, who naturally approach the subject from the belligerent's standpoint. Thus judicial decisions, text-writers, and international agreements have given all the advantage to the belligerent and have shown little regard for the rights of neutrals.

It would appear that it is time to reverse this process of treatment of the subject of neutrality and to deal with it from the point of view of the neutral. I would, therefore, suggest that a committee be appointed to study the problem of neutral rights and neutral duties, seeking to formulate in terms the principle underlying the relations of belligerency to neutrality rather than the express rules governing the conduct of a nation at war to a nation at peace.

I would further suggest that the subject might be advantageously divided into two parts, namely, the rights of neutrals on the high seas, and the duties of neutrals dependent upon territorial jurisdiction.

In view of the past year and a half of war, the present time seems particularly opportune to study this question, and this Institute, being composed of members from neutral nations, is especially fitted to do this from the proper point of view and with the definite purpose of protecting the liberty of neutrals from unjustifiable restrictions on the high seas and from the imposition of needless burdens in preserving their neutrality on land.

5. Pan American Treaties for the Advancement of Peace.

a. Historical Statement.

President Wilson on April 24, 1913, communicated to the diplomats accredited near the Government of the United States the following peace proposal:

The parties hereto agree that all questions of whatever character and nature, in dispute between them, shall, when diplomatic efforts fail, be submitted for investigation and report to an international commission (the composition to be agreed upon); and the contracting parties agree not to declare war or begin hostilities until such investigation is made and report submitted.

The investigation shall be conducted as a matter of course upon the initiative of the commission, without the formality of a request from either party; the report shall be submitted within (time to be agreed upon) from the date of the submission of the dispute, but the parties hereto reserve the right to act independently on the subject matter in dispute after the report is submitted.

A supplementary memorandum by the secretary of state was issued at the same time, outlining the terms of the proposed treaty. This was rapidly accepted in principle by the powers. Negotiation proceeded and the Pan American states showed themselves especially ready to make such treaties. By the beginning of 1915 the United States had 30 treaties of this type signed and on the way to ratification.[1]

The secretary of state of the United States announced on April 22, 1915, that a peace plan for the nations of the Western Hemisphere had been suggested by the Republic of Honduras, and submitted to the Governing Board by Alberto Membreño, minister from Honduras to the United States, and a little later president of that Republic. It was referred for consideration to the special Pan American committee,

[1] For a full statement of the antecedents, history and purpose of the principle involved in these treaties see Denys P. Myers, "The Commission of Inquiry: The Wilson-Bryan Peace Plan. Its Origin and Development," World Peace Foundation, Pamphlet Series, 1913.

appointed in the early stages of the war in Europe by the nations constituting the union. The memorandum was in reality an extension of the American peace plan.

b. Señor Alberto Membreño to the Governing Board of the Pan American Union, March 8, 1915.

Mr. Chairman: While this committee was appointed only for the purpose of submitting its recommendations as to the means to be adopted to safeguard the rights of neutrals, in view of the European war, I do not deem it amiss to suggest that a rule be adopted tending to avoid armed conflicts. Before trying to forestall the evils of war we must endeavor to have such a scourge disappear forever from the face of the world.

Among the wise provisions contained in the first Hague Convention of 1907, there is one, in Article IX, creating an international commission of inquiry. Unfortunately, this provision excludes, from the remedy provided, disputes involving either the honor or the vital interests of nations; in other words, the very cases in which the services of impartial parties are most needed to study the issue calmly. Experience shows that duels are not fought—and duels are serious questions of honor among individuals—when the seconds obtain an explanation which is satisfactory to the one who claims that an offense has been committed and is demanding a blood satisfaction. Those who discharge executive functions in the government of states are, so to speak, more strictly under obligation to hear and consider reasons based on justice and expediency because, if it is true that in war they run a certain amount of personal risk, the greatest sacrifice is made by the people, and the damage, as in the present instance, extends to all nations.

The Government of the United States, representing the people of the United States—a people who believe that the prosperity of nations results from work and not from the extermination of those who in the struggle for life are battling for victory—has enhanced the principles set forth by the authors of the Hague Convention, in the sense that the commission of inquiry may take cognizance of all disputes of every nature whatsoever.

This doctrine as amended is a part of the treaties lately concluded between the United States and almost all the American nations, as well as many European countries. We may, therefore, embody it in international law.

I take the liberty of proposing that the members of the Governing Board of the Pan American Union present to their respective governments for their consideration the following rules:

1. All disputes of every nature whatsoever which it has not been possible to adjust through diplomatic methods shall be referred for investigation and report to an international commission, and, pending the full discharge of its duties by said commission, the nations engaged in the dispute cannot declare war or begin hostilities against each other.

2. This commission shall be a permanent one, and may act on its own initiative. In this case it behooves the commission to serve due notice to the parties in dispute, and to request their co-operation in order fully to discharge its duties.

3. The number of members of which the commission shall consist, their qualifications, manner of appointment, place where the commission shall sit, manner of procedure, and time for the submission of its report, shall be fixed by treaty or by any other method whereby the agreements reached by the governments may have full force and authority.[1]

ALBERTO MEMBREÑO.

WASHINGTON, March 8, 1915.

[1] In his message to the Congress of Honduras delivered in Tegucigalpa on January 1, 1916, President Membreño said in effect that the consideration shown by the American Government and "the deference with which that Government has received our initiatives of international interest, have brought closer our relations with the Great Republic of the North."—(New York *Evening Post*, January 21, 1916.)

c. Treaty between the Argentine Republic, the United States of Brazil, and the Republic of Chile to facilitate the Pacific Settlement of International Disputes.[1]

The Governments of the Argentine Republic, the United States of Brazil, and the Republic of Chile, being desirous of affirming, at the present juncture, the cordial understanding which the community of ideals and interests has created between their respective countries and of consolidating the relations of close friendship which unite them, for the purpose of avoiding the possibility of violent conflicts in the future: and acting in accordance with the aims of concord and peace which inspire their international policy, and with the firm intention of co-operating in order that the fraternal relations of the American Republics may day by day rest upon a more solid basis; and having regard to the fact that, in the existing treaties of arbitration between Chile and Brazil, dated May 18, 1899, and in the treaty between the Argentine Republic and Chile of May 28, 1902, and that between the Argentine Republic and Brazil of September 7, 1905, which in each case established recourse to arbitration as the sole means of settling all disputes of whatsoever nature that might arise between those powers, exception is made, as far as the first of these treaties is concerned, of recourse to arbitration in respect to those questions which cannot be formulated juridically, and that the two last mentioned treaties excepted from arbitration all questions affecting the constitutional principles of the contracting countries: have resolved now to adopt a line of procedure that may facilitate the friendly solution of the questions that were excluded from arbitration by virtue of the said treaties, and for this purpose they have

[1] This treaty in all essentials is a type of all the conventions referred to in this section. The English text here printed is a translation by William Heaford from a Spanish text furnished by the Argentine minister in London and published in the National Peace Council *Monthly Circular*, II, 327–328, October 15, 1915. The translation has been modified as a result of comparison with a Spanish copy published in *La Prensa* of Buenos Aires, May 26, 1915, the text of which has been furnished by the Bureau of the Pan American Union. The Union informs us that Brazil ratified the treaty on November 10, 1915, the ratification being published in the *Diario Official* for November 14.

entered into a special treaty, for effecting which the following Plenipotentiaries have been appointed:

By the President of the Argentine Republic, Señor Doctor José Luis Murature, Secretary of State in the Department of Foreign Affairs and Public Worship;

By the President of the United States of Brazil, Señor Gen. Doctor Lauro Müller, Minister of State for Foreign Affairs;

By the President of the Republic of Chile, Señor Doctor Alejandro Lira, Secretary of State in the Department of Foreign Affairs;

Who, after having communicated their full powers, which were found to be in good and proper form, have entered into the following agreement:

Article I.

Disputes, which on account of any question that may arise in the future between the three contracting parties, or between any two of them, and which shall not have been settled by ordinary diplomatic means nor submitted to arbitration in accordance with the existing treaties, or in accordance with the treaties which may hereafter be arranged, shall be submitted for investigation and report to a permanent commission to be constituted according to the form which is established in Article III. The High Contracting Parties mutually undertake that they will not engage in acts of hostilities until after the report shall have been presented by the commission which is appointed by the present treaty, or until the lapse of a year, as referred to in Article V.

Article II.

It is understood that the stipulations in the preceding article shall not in any respect restrict either the compromis established under existing or future treaties of arbitration between the High Contracting Parties, nor the obligations to comply with the arbitral awards made on the questions which, in accordance with these treaties, have to be or shall have been settled by means of arbitration.

Article III.

In order to constitute the permanent commission to which Article I refers each of the High Contracting Parties shall appoint a delegate within the space of three months after ratification of the present treaty. Each Government may revoke the appointment of its own delegate at any time before an investigation is initiated, but this notwithstanding it accepts the obligation to appoint a substitute in the same document in which such revocation is set forth. Any vacancy that may occur owing to other causes shall be filled by the respective Government, and such vacancy shall not suspend the effects of the provisions established by this treaty.

Article IV.

The disputes to which reference is made in Article I shall be referred for investigation and report to a commission immediately after diplomatic negotiations shall have failed to bring about a settlement. Any one of the Governments interested in the dispute may issue the summons for convoking the commission, and for that purpose it shall suffice that its decision to do so shall be officially communicated to the other two Governments.

Article V.

The permanent commission will be constituted in the city of Montevidéo within three months after it shall have been convoked, and will have the power to determine the rules of procedure to which it shall conform in the fulfillment of its mission. If for any cause whatever the said commission shall not be able to meet as soon as three months shall have transpired, it shall be considered duly constituted for the purpose of adjudicating upon the litigation, as provided in the present article. The High Contracting Parties undertake to supply the antecedent documents and reports necessary for making the investigation. The commission will present its report

within a year, counting from the date of its constitution. If the commission shall not be able to complete the investigation nor draw up its report within the period so fixed, that period may be extended for a further six months, always providing that the High Contracting Parties are in accord with this arrangement.

Article VI.

As soon as the report is submitted to the respective Governments, or in the event of the report not being presented within the stipulated period, the High Contracting Parties may resume their full liberty of action in order to proceed in such manner as they may consider agreeable to their interests in reference to the subject under investigation.

Article VII.

The present treaty shall be ratified, and the ratifications exchanged at Rio de Janeiro as soon as may be possible. It will remain in vigor for a year after it has been denounced by any one of the High Contracting Parties.

In witness whereof we, the Plenipotentiaries, whose names are above stated, have signed the present document in three copies, each being in the Spanish and Portuguese language, and have sealed the same with our seals.

Done in the city of Buenos Aires on the twenty-fifth day of May in the year one thousand nine hundred and fifteen.

(L.S.) (Signed) José Luis Murature.
Lauro Müller.
Alejandro Lira.

INTERNATIONAL LIBRARY

Edited by EDWIN D. MEAD

PUBLISHED BY THE WORLD PEACE FOUNDATION

CLOTH BOUND

ADDRESSES ON WAR. By CHARLES SUMNER. 8vo, xxvii+321 pages. Postpaid $0.60

AMERICAN ADDRESSES AT THE SECOND HAGUE CONFERENCE. Edited by JAMES BROWN SCOTT. 8vo, xlviii+217 pages. Postpaid . . . 1.65

DISCOURSES ON WAR. By WILLIAM ELLERY CHANNING. 8vo, lxi+229 pages. Postpaid 60

ETERNAL PEACE AND OTHER INTERNATIONAL ESSAYS. By IMMANUEL KANT. 8vo, xxiv+179 pages 75

ETHICS OF FORCE. By H. E. WARNER. 8vo, v+126 pages. Postpaid, .55

FIRST BOOK OF WORLD LAW. By RAYMOND L. BRIDGMAN. 8vo, v+308 pages. Postpaid 1.65

FIRST HAGUE CONFERENCE. By ANDREW D. WHITE. 8vo, vi+125 pages. Postpaid 55

FISHERIES ARBITRATION ARGUMENT OF ELIHU ROOT. Edited, with Introduction and Appendix, by JAMES BROWN SCOTT. 8vo, cli+523 pages. Postpaid 3.50

FUTURE OF WAR. By JEAN DE BLOCH. 8vo, lxxix+380 pages. Postpaid, .65

GREAT DESIGN OF HENRY IV. With Introduction by EDWIN D. MEAD. 8vo, xxi+91 pages. Postpaid 55

INTERNATIONAL ARBITRAL LAW AND PROCEDURE. By JACKSON H. RALSTON. 8vo, xix+352 pages. Postpaid 2.20

INTER-RACIAL PROBLEMS. Papers communicated to the First Universal Races Congress, London, July 26–29, 1911. Edited by G. SPILLER. Quarto, xvi+485 pages. Postpaid 2.40

MOHONK ADDRESSES. By EDWARD EVERETT HALE and DAVID J. BREWER. 8vo, xxviii+150 pages. Postpaid 1.00

MORAL DAMAGE OF WAR. By WALTER WALSH. 8vo, xiii+462 pages. Postpaid 90

NEW PEACE MOVEMENT. By WILLIAM I. HULL. 8vo, xi+217 pages. Postpaid 1.00

PRIZE ORATIONS OF THE INTERCOLLEGIATE PEACE ASSOCIATION. Edited, with introduction by STEPHEN F. WESTON. 8vo, xiii+185 pages. Postpaid 75

PUBLIC INTERNATIONAL UNIONS. By PAUL S. REINSCH. 8vo, viii+189 pages. Postpaid 1.65

SIR RANDAL CREMER. By HOWARD EVANS. 8vo, 356 pages. Postpaid, 1.40

TEXTS OF THE PEACE CONFERENCES AT THE HAGUE, 1899 and 1907. Edited by JAMES BROWN SCOTT. 8vo, xxxiv+447 pages. Postpaid . . . 2.20

TWO HAGUE CONFERENCES. By WILLIAM I. HULL. 8vo, xiv+516 pages. Postpaid 1.65

WAR INCONSISTENT WITH THE RELIGION OF JESUS CHRIST. By DAVID LOW DODGE. 8vo, xxiv+168 pages. Postpaid 60

WORLD ORGANIZATION. By RAYMOND L. BRIDGMAN. 8vo, vi+172 pages. Postpaid 60

PAPER BOUND

BETHINK YOURSELVES! By LEO TOLSTOI. 6½ x 4½ in., 50 pages. Postpaid . . $0.10

BLOOD OF THE NATION. By DAVID STARR JORDAN. 6¾ x 4¾ in., 82 pages. Postpaid 15

THE COMING PEOPLE. By CHARLES F. DOLE. 4 x 6½ in., xii+224 pages. Seventh edition, with chapter on "The Coming World Order." Postpaid 35

DUEL BETWEEN FRANCE AND GERMANY. By CHARLES SUMNER. 7½ x 5¼ in., 76 pages. Postpaid 20

KING'S EASTER. By HARRIET PRESCOTT SPOFFORD. 7½ x 5 in., 16 pages. Postpaid, .10

LEAGUE OF PEACE, A. By ANDREW CARNEGIE. 6½ x 4½ in., 47 pages. Postpaid, .10

PATRIOTISM AND THE NEW INTERNATIONALISM. By LUCIA AMES MEAD. 6¾ x 4¾ in., 125 pages. Postpaid 20

SYLLABUS OF LECTURES ON INTERNATIONAL CONCILIATION. By DAVID STARR JORDAN and EDWARD B. KREHBIEL. 9¼ x 5¾ in., 180 pages. Postpaid . . .75

TRUE GRANDEUR OF NATIONS. By CHARLES SUMNER. 7½ x 5¼ in., 132 pages. Postpaid 20

WAR SYSTEM OF THE COMMONWEALTH OF NATIONS. By CHARLES SUMNER. 7½ x 5¼ in., 107 pages. Postpaid 20

WHAT SHALL WE SAY? By DAVID STARR JORDAN. 9¼ x 6 in., 82 pages. Postpaid, .35

World Peace Foundation

Pamphlet Series

THE NEW PAN AMERICANISM

PART II

Published Bimonthly by the
WORLD PEACE FOUNDATION
40 MT. VERNON STREET, BOSTON

April, 1916
Vol. VI. No. 2

Entered as second-class matter January 15, 1913, at the post-office at Boston, Mass., under the Act of August 24, 1912

CONTENTS

PAGE

6. First Pan American Financial Conference, 1915:
   a. Address of the President of the United States, May 24, 1915 54
   b. Address of Hon. William J. Bryan, Secretary of State, May 24, 1915 56
7. Pan American Action regarding Mexico 60
   a. Statement of President Wilson with regard to Mexico, June 2, 1915 62
   b. Joint Dispatch sent to American Consuls in Mexico for Mexican Chiefs of Factions, August 11, 1915 63
   c. Reply of Gen. Francisco Villa to the Pan American Diplomats, August 16, 1915 65
   d. Reply of Gen. Venustiano Carranza to the Pan American Diplomats, September 10, 1915 67
   e. Statement Issued after Third Diplomatic Conference, New York, September 18, 1915 71
   f. Pledges of Gen. Venustiano Carranza, First Chief of the Constitutionalists, October 7, 1915 73
      (1.) Public Declaration and Decree, December 12, 1914. 74
      (2.) Declaration to the Nation, June 11, 1915 81
   g. Recognition of the Carranza Government, October 19, 1915 88
   h. Embargo on Export of Arms, etc., to Mexico, October 19, 1915 89
   i. Statement by Mr. Arredondo, Mexican Ambassador at Washington 91
   j. Resolution of the Pan American Union, November 10, 1915 92
8. President Wilson's Annual Address to Congress, December 7, 1915 93
9. Second Pan American Scientific Congress:
   a. "Pan Americanism," Address of Welcome by Secretary of State Lansing, December 27, 1915 98
   b. Address of President Wilson, January 6, 1916 104
10. Pan American Agreement proposed by United States:
   a. Outline of Subjects of Pending Negotiations among American States 110
11. Books recommended for Reading, Study and Reference, 111

6. First Pan American Financial Conference, 1915.[1]

a. Address of the President of the United States.

Mr. Chairman, Gentlemen of the American Republics, Ladies, and Gentlemen:

The part that falls to me this morning is a very simple one, but a very delightful one. It is to bid you a very hearty welcome indeed to this conference. The welcome is the more hearty because we are convinced that a conference like this will result in the things that we most desire. I am sure that those who have this conference in charge have already made plain to you its purpose and its spirit. Its purpose is to draw the American Republics together by bonds of common interest and of mutual understanding; and we comprehend, I hope, just what the meaning of that is. There can be no sort of union of interest if there is a purpose of exploitation by any one of the parties to a great conference of this sort. The basis of successful commercial intercourse is common interest, not selfish interest. It is an actual interchange of services and of values; it is based upon reciprocal relations and not selfish relations. It is based upon those things upon which all successful economic intercourse must be based, because selfishness breeds suspicion; suspicion, hostility; and hostility, failure. We are not, therefore, trying to make use of each other, but we are trying to be of use to one another.

It is very surprising to me, it is even a source of mortification, that a conference like this should have been so long delayed, that it should never have occurred before, that it should have required a crisis of the world to show the Americas how truly they were neighbors to one another. If there is any one happy circumstance, gentlemen, arising out of the present distressing condition of the world, it is that it has revealed us to one another; it has shown us what it means to be neighbors. And I cannot help harboring the hope, the very high

[1] "Proceedings of the First Pan American Financial Conference," Washington, 1915. Opening session, May 24, 1915, pages 87–91.

hope, that by this commerce of minds with one another, as well as commerce in goods, we may show the world in part the path to peace. It would be a very great thing if the Americas could add to the distinction which they already wear this of showing the way to peace, to permanent peace.

The way to peace for us, at any rate, is manifest. It is the kind of rivalry which does not involve aggression. It is the knowledge that men can be of the greatest service to one another, and nations of the greatest service to one another, when the jealousy between them is merely a jealousy of excellence, and when the basis of their intercourse is friendship. There is only one way in which we wish to take advantage of you and that is by making better goods, by doing the things that we seek to do for each other better, if we can, than you do them, and so spurring you on, if we might, by so handsome a jealousy as that to excel us. I am so keenly aware that the basis of personal friendship is this competition in excellence, that I am perfectly certain that this is the only basis for the friendship of nations,—this handsome rivalry in which there is no dislike, this rivalry in which there is nothing but the hope of a common elevation in great enterprises which we can undertake in common.

There is one thing that stands in our way among others—for you are more conversant with the circumstances than I am; the thing I have chiefly in mind is the physical lack of means of communication, the lack of vehicles,—the lack of ships, the lack of established routes of trade,—the lack of those things which are absolutely necessary if we are to have true commercial and intimate commercial relations with one another; and I am perfectly clear in my judgment that if private capital cannot soon enter upon the adventure of establishing these physical means of communication, the government must undertake to do so. We cannot indefinitely stand apart and need each other for the lack of what can easily be supplied, and if one instrumentality cannot supply it, then another must be found which will supply it. We cannot know each other unless we see each other; we cannot deal with each other unless we communicate with each other. So as soon as we communicate and are upon a familiar footing of intercourse, we shall understand one another, and the

bonds between the Americas will be such bonds that no influence that the world may produce in the future will ever break them.

If I am selfish for America, I at least hope that my selfishness is enlightened. The selfishness that hurts the other party is not enlightened selfishness. If I were acting upon a mere ground of selfishness, I would seek to benefit the other party and so tie him to myself; so that even if you were to suspect me of selfishness, I hope you will also suspect me of intelligence and of knowing the only safe way for the establishment of the things which we covet, as well as the establishment of things which we desire and which we would feel honored if we could earn and win.

I have said these things because they will perhaps enable you to understand how far from formal my welcome to this body is. It is a welcome from the heart, it is a welcome from the head; it is a welcome inspired by what I hope are the highest ambitions of those who live in these two great continents, who seek to set an example to the world in freedom of institutions, freedom of trade and intelligence of mutual service.

b. Address of Hon. William J. Bryan, Secretary of State.

Mr. President, Mr. Secretary, Representatives of Pan America, Ladies and Gentlemen:

If you will consult the program you will find that I am to deliver an address of welcome, but it is superfluous for me to welcome you after the eloquent and appropriate words to which you have just listened. On ordinary occasions the Secretary of State, as the President's representative in dealing with foreign nations, welcomes visitors, but this is not an ordinary occasion—it is an epoch-making event, and it was fitting, therefore, that the welcome should be spoken by the President himself and not by a representative. If the welcome extended to you was to be as whole-souled as that expressed in the Spanish phrase which, translated into English, means "my house is your house," it must come from the occupant of the White House. My only duty, as I see it, after the felicitous words have been addressed to you by the President, is to give cordial approval

to the noble idea, conceived by the Honorable Secretary of the Treasury, which has resulted in this notable gathering. I do give emphatic indorsement to this idea and expect this conference to have lasting and far-reaching results. I shall content myself with presenting the one thought that has been uppermost in my mind since this idea was presented to our Nation and to the nations assembled here. It is the idea that we are neighbors.

God in His providence has made these Republics the joint tenants of that wonderful heritage which extends from the St. Lawrence and Puget Sound on the north to Cape Horn on the south. We have taken upon ourselves the responsibility of developing this territory for ourselves and for the world. It is dedicated to a system of government—to the republican form of government. May I not describe these Republics as resembling a great banyan tree? The United States is the parent stem; the branches, extending to the south, have taken root in the soil and are now permanent supports—yes, important parts—of that great tree. Linked together by a unity of political purposes and by a common political ideal these Republics cannot but be interested in each other. We are geographically so situated that we must live side by side, and certain expectations are aroused by the very fact that we are neighbors.

The first is that we shall *know* each other. Neighbors should become acquainted, and this great meeting must result in an extension of acquaintance which is not only desirable, but necessary. I am sure that the Secretary of the Treasury has in mind this more intimate association; as we know each other better we shall be more and more assured of the good will of each toward the other.

The second expectation aroused by the fact that we are neighbors is that we shall be *friends*. This feeling of friendship is growing and will continue to grow. Time tends to increase it and words spoken by the representatives of the several nations have promoted its growth. The memorable address delivered by our Chief Executive at Mobile a year ago, when he restated what has been so often stated before, that this Nation has no desire to take one foot of land from any other nation by conquest—I am sure that this utterance has contributed something toward the cementing of our friendship. And

may I refer to one other thing which has had an influence? It is the fact that this nation is now united to the Spanish-speaking Republics by treaties that provide for investigation of all disputes, leaving no cause for which we can go to war until after there has been a year's time for deliberation and for passion to subside. This country has shown its good will by offering to all of the American Republics, without respect to size, such a treaty, and these Republics have responded in the spirit in which the offer was made. We may feel certain therefore that in the years to come there will be no hasty rushing into armed conflict; indeed, we have such faith in the power of reason, when controlled by friendship, that we are confident that a year's inquiry will enable us to find peaceful means of settling any disputes that may rise.

The third expectation, suggested by the fact that we live side by side, is that of mutual *helpfulness*. Neighbors must not only know each other and be friends, but neighbors must help each other as opportunity offers. With acquaintance increasing and friendship established, I take it that the principal purpose of this meeting is to find ways in which we may be helpful to each other.

The President has suggested one, and a very important one, namely, co-operation in the providing of means of communication. He has used his great influence to secure authority for this Nation to do its part, and I doubt not that his efforts will find a response in the nations here assembled and that in the course of time these nations, by co-operation, will establish lines of communication which will not only be of advantage in ordinary times but will protect our commerce from interruption if at any future time the nations in other parts of the world find themselves unable to settle their disputes by the peaceful methods which we expect to employ.

There are other matters in which co-operation is possible, as for instance in finance and communication by wire and by mail, of which the Secretary of the Treasury will speak more at length.

But I would not be pardoned if, with so many of our distinguished guests prepared to speak, and so inspiring an audience anxious to listen, I were to trespass further upon your time. Let me therefore, in conclusion, emphasize the thought that brought me before you,

namely, that the State Department will, in every possible way, give support to the splendid efforts of the Secretary of the Treasury to crystallize acquaintance and friendship into practical helpfulness and, to the fullest extent, promote co-operation between the Republics whose representatives are assembled in conference.[1]

[1] Replies thoroughly responsive to the ideas expressed in the addresses of the President and Secretary of State were made by the representatives of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Honduras, Nicaragua, Panamá, Paraguay, Perú, Salvador, Uruguay and Venezuela. Hon. Ignacio Calderón of Bolivia eloquently phrased one of the ideas many times repeated when he said: "Mankind does not advance forward and onward to its highest destinies by hatred, selfishness, or violence. The living forces are right and justice, and the beautiful and disinterested aspirations of love." Hon. Santiago Pérez Triana of Colombia expressed another of the dominant ideas in these words: "Law and order, and the concepts and the conventions for which humanity has labored since the beginning of time are destroyed in an hour in the countries across the ocean. But in the meantime law and order have found their refuge in America. We are the trustees of the liberties of the world and the guardians of the future. Let us do our duty. Not only the United States, as was once said by lips hallowed by martyrdom, were conceived in liberty and dedicated to freedom; that is the glorious heritage of all the nations of America. Whatever tends to unite those nations in common bonds of friendship, of common interest or sympathy; whatever tends to strengthen their solidarity is a work not only for the peace of America but for the peace of the world."

7. Pan American Action Regarding Mexico.

The A. B. C. mediation between the United States and the Huerta régime in Mexico had the effect of making the Mexican revolution a subject of Pan American concern. On July 15, 1914, General Huerta resigned the provisional presidency, the joint session of the senate and chamber of deputies appointing Francisco Carbajal, minister for foreign affairs, as his successor. On August 13 the executive power was transferred to General Iturbide, governor of the Federal District in which Mexico City is situated, and he immediately vacated in favor of Gen. Alvaro Obregon of the Constitutionalist army. On August 20 Gen. Venustiano Carranza assumed control at the capital as "depository of the executive power."

Meantime American troops remained at Vera Cruz. On September 15, 1914, the Department of State sent a dispatch to the Brazilian minister at Mexico City announcing the intention to withdraw the troops as soon as assurances for protection of the inhabitants were received. The Carranza government was asked for these assurances on September 22 and replied satisfactorily on November 10. Orders for the withdrawal of General Funston's command on November 23 were immediately issued.

On September 23 Gen. Francisco Villa,[1] commander of the Constitutionalist army division of the north, broke with General Carranza, who had called a Constitutionalist convention of governors and leaders in command of troops at Mexico City for October 1, 1914. Villa, with whom General Zapata associated himself, claimed Carranza was trying to secure his own election as president, and his friends did not attend the convention. General Carranza's mandate was sustained by his faction, for it is related by his representative at Washington that he resigned his trust, only to be recalled at once to leadership. Out of conferences at Aguascalientes between delegates of the two factions grew a rival convention, called the

[1] This general's opponents say that his real name is Doroteo Arango, and that Francisco Villa is an alias.

Mexican National Convention. On November 2 Eulalio Gutierrez was elected by it as provisional President for twenty days, General Carranza meanwhile refusing to resign while Generals Villa and Zapata remained in power. The Carranza capital was Puebla, near Mexico City, the Gutierrez headquarters at Aguascalientes. On November 17 Villa made Gutierrez prisoner in the midst of negotiations with Carranza, who proposed that both Villa and himself should leave the country and accept as provisional president whatever person a convention of generals, assembled in Mexico City, should select. On January 6, 1915, Roque Gonzales Garza is recorded as being made Conventionist provisional President, but on February 3 General Villa proclaimed himself as in control of the "political authority" in the north. This action synchronized with the departure from Mexico City of Señor Garza on the approach of the Constitutionalists.

General Carranza, calling himself simply Constitutionalist "depository of the executive power," remained at Puebla, Vera Cruz or San Juan de Ulúa, and busied himself with details of government. Though Constitutionalist troops several times occupied Mexico City, no so-called president was set up. Their plan called for an election.

On June 2, 1915, the President of the United States called upon the Mexican factions to reconcile their differences, and bring peace to their country. General Carranza, whose representatives were vigorously attacking the Villistas, made no reply. General Villa named Francisco Lagos Chazaro as provisional President. The military results tended to favor the Constitutionalists, who reentered Mexico City on July 10, evacuating it on the 18th. On the 31st they again occupied the capital for the fourth time.

As the factional differences seemed no nearer settlement, the United States, carrying out the idea of the Niagara Falls protocols, sounded the six ranking diplomatic representatives of Latin America as to joint action for the solution of the Mexican problem. The first conference was held on August 5; the second, on August 11.

a. Statement of President Wilson with regard to Mexico.

For more than two years revolutionary conditions have existed in Mexico. The purpose of the revolution was to rid Mexico of men who ignored the constitution of the Republic and used their power in contempt of the rights of its people; and with these purposes the people of the United States instinctively and generously sympathized. But the leaders of the revolution, in the very hour of their success, have disagreed and turned their arms against one another. All professing the same objects, they are, nevertheless, unable or unwilling to co-operate. A central authority at Mexico City is no sooner set up than it is undermined and its authority denied by those who were expected to support it. Mexico is apparently no nearer a solution of her tragical troubles than she was when the revolution was first kindled. And she has been swept by civil war as if by fire. Her crops are destroyed, her fields lie unseeded, her work cattle are confiscated for the use of the armed factions, her people flee to the mountains to escape being drawn into unavailing bloodshed, and no man seems to see or lead the way to peace and settled order. There is no proper protection either for her own citizens or for the citizens of other nations resident and at work within her territory. Mexico is starving and without a government.

In these circumstances the people and Government of the United States cannot stand indifferently by and do nothing to serve their neighbor. They want nothing for themselves in Mexico. Least of all do they desire to settle her affairs for her, or claim any right to do so. But neither do they wish to see utter ruin come upon her, and they deem it their duty as friends and neighbors to lend any aid they properly can to any instrumentality which promises to be effective in bringing about a settlement which will embody the real objects of the revolution—constitutional government and the rights of the people. Patriotic Mexicans are sick at heart and cry out for peace and for every self-sacrifice that may be necessary to procure it. Their people cry out for food and will presently hate as much as they fear every man, in their country or out of it, who stands between them and their daily bread.

It is time, therefore, that the Government of the United States should frankly state the policy which in these extraordinary circumstances it becomes its duty to adopt. It must presently do what it has not hitherto done or felt at liberty to do, lend its active moral support to some man or group of men, if such may be found, who can rally the suffering people of Mexico to their support in an effort to ignore, if they cannot unite, the warring factions of the country, return to the constitution of the Republic so long in abeyance, and set up a government at Mexico City which the great powers of the world can recognize and deal with, a government with whom the program of the revolution will be a business and not merely a platform. I therefore publicly and very solemnly call upon the leaders of faction in Mexico to act, to act together, and to act promptly for the relief and redemption of their prostrate country. I feel it to be my duty to tell them that, if they cannot accommodate their differences and unite for this great purpose within a very short time, this Government will be constrained to decide what means should be employed by the United States in order to help Mexico save herself and serve her people.

WASHINGTON, June 2, 1915.

b. JOINT DISPATCH SENT TO AMERICAN CONSULS IN MEXICO, AUGUST 13 AND 14, 1915, FOR MEXICAN CHIEFS OF FACTIONS.

(TRANSLATION.)

WASHINGTON, D.C., August 11, 1915.

The undersigned, the Secretary of State of the United States, the Ambassadors Extraordinary and Plenipotentiary of Brazil, Chile and Argentina, and the Envoys Extraordinary and Ministers Plenipotentiary of Bolivia, Uruguay and Guatemala, accredited to the Government of the United States of America, acting severally and independently, unanimously send to you the following communication:

Inspired by the most sincere spirit of American fraternity, and convinced that they rightly interpret the earnest wish of the entire continent, have met informally at the suggestion of the Secretary

of State of the United States to consider the Mexican situation and to ascertain whether their friendly and disinterested help could be successfully employed to re-establish peace and constitutional order in our sister Republic.

In the heat of the frightful struggle which for so long has steeped in blood the Mexican soil, doubtless all may well have lost sight of the dissolving effects of the strife upon the most vital conditions of the national existence, not only upon the life and liberty of the inhabitants, but on the prestige and security of the country. We cannot doubt, however—no one can doubt—that in the presence of a sympathetic appeal from their brothers of America, recalling to them these disastrous effects, asking them to save their motherland from an abyss—no one can doubt, we repeat—that the patriotism of the men who lead or aid in any way the bloody strife, will not remain unmoved; no one can doubt that each and every one of them, measuring in his own conscience his share in the responsibilities of past misfortune and looking forward to his share in the glory of the pacification and reconstruction of the country, will respond, nobly and resolutely, to this friendly appeal and give their best efforts to opening the way to some saving action.

We, the undersigned, believe that if the men directing the armed movements in Mexico—whether political or military chiefs—should agree to meet, either in person or by delegates, far from the sound of cannon, and with no other inspiration save the thought of their afflicted land, there to exchange ideas and to determine the fate of the country—from such action would undoubtedly result the strong and unyielding agreement requisite to the creation of a provisional government, which should adopt the first steps necessary to the constitutional reconstruction of the country—and to issue the first and most essential of them all, the immediate call to general elections.

An adequate place within the Mexican frontiers, which for the purpose might be neutralized, should serve as the seat of the conference; and in order to bring about a conference of this nature the undersigned, or any of them, will willingly, upon invitation, act as intermediaries to arrange the time, place, and other details of such conference, if this action can in any way aid the Mexican people.

The undersigned expect a reply to this communication within a reasonable time; and consider that such a time would be ten days after the communication is delivered, subject to prorogation for cause.

ROBERT LANSING, *Secretary of State of the United States.*
D. DA GAMA, *Ambassador Extraordinary and Plenipotentiary of Brazil.*
EDO. SUÁREZ-MUJICA, *Ambassador Extraordinary and Plenipotentiary of Chile.*
R. S. NAÓN, *Ambassador Extraordinary and Plenipotentiary of Argentina.*
I. CALDERÓN, *Envoy Extraordinary and Minister Plenipotentiary of Bolivia.*
CARLOS MARÍA DE PEÑA, *Envoy Extraordinary and Minister Plenipotentiary of Uruguay.*
JOAQUÍN MÉNDEZ, *Envoy Extraordinary and Minister Plenipotentiary of Guatemala.*

c. REPLY OF GEN. FRANCISCO VILLA TO THE PAN AMERICAN DIPLOMATS.[1]

(TRANSLATION.)

TORREON, COAHUILA, August 16, 1915.

The undersigned, general-in-chief of the army of the Convention, being duly informed of the contents of the courteous note, severally, independently and unanimously addressed to him on the 11th, and received by him on the night of the 15th instant, by their Excellencies, the Secretary of State of the United States, the Ambassadors of Brazil, Chile, and Argentina, and the Ministers of Bolivia, Uruguay and Guatemala, has the honor to return the following reply:

The undersigned, as well as the Convention Government, feel assured that they possess the power and resources with which to continue the present struggle, in defense of the rights of the Mexican

[1] This dispatch was sent to Enrique C. Llorente, confidential agent of the Provisional Government of Mexico at Washington. It was forwarded by him in a letter to Secretary of State Lansing on August 19.

people and their institutions, until such time as the realization of the high ideals of the revolution shall guarantee a substantial and stable peace; but, in view of the praise-worthy and fraternal attitude of the United States and our sister Republics of Brazil, Chile, Argentina, Bolivia, Uruguay and Guatemala, and in order that peace in Mexico may become an early and accomplished fact, followed by the restoration of the constitutional order, the undersigned, for himself and on behalf of the Convention Government, is disposed to accept, and does cordially accept, the good offices of their Excellencies, for the purpose of bringing about a conference of delegates representing the recognized contending factions in Mexico, so as to reach, if possible, a mutually satisfactory agreement, and thereby save, with dignity, the national honor, in the accomplishment of which, be it well understood, the Convention Government will employ every effort to meet the benevolent desires expressed by their Excellencies.

It is proper that the undersigned should add, by way of explanation, that all military chiefs and civilian officials affiliated with the Convention Government, desire only to witness the re-establishment of a government in Mexico that will bind itself to hold popular elections, by which the people may, with absolute freedom, designate their representatives in office, regardless of any preference which such chiefs and officials may entertain in favor of any candidate or candidates.

The undersigned having now complied with a most agreeable duty, begs to assure their Excellencies of his profound and respectful consideration.

FRANCISCO VILLA.

Their Excellencies Robert Lansing, Secretary of State of the United States of America; Senhor Dom Domicio da Gama, Ambassador of Brazil; Señor Don Eduardo Suárez-Mújica, Ambassador of Chile; Señor Don Rómulo S. Naón, Ambassador of Argentina; Señor Don Ygnacio Calderón, Minister of Bolivia; Señor Don Carlos M. de Peña, Minister of Uruguay; Señor Don Joaquín Méndez, Minister of Guatemala.

d. Reply of Gen. Venustiano Carranza to the Pan American Diplomats.[1]

(translation.)

Fort of San Juan De Ulúa,
September 10, 1915.

To the most Excellent Messrs. Robert Lansing, Secretary of State of the United States of America; Dionisio (*sic*) da Gama, Ambassador Extraordinary and Plenipotentiary of Brazil; Eduardo Suárez-Mugica (*sic*), Ambassador Extraordinary of Chile; Rómulo S. Naón, Ambassador Extraordinary and Plenipotentiary of Argentina; Ignacio Calderón, Ambassador Extraordinary and Minister Plenipotentiary of Bolivia; Carlos María de Peña, Envoy Extraordinary and Minister Plenipotentiary of Uruguay; and Joaquín Méndez, Envoy Extraordinary and Minister Plenipotentiary of Guatemala, Washington, D.C.

Messrs. Ministers: Having acquainted citizen Venustiano Carranza, First Chief of the Constitutionalist Army, in charge of the Executive Power of the Union, with your considerate note in which you are pleased to say that you signed in your official capacity the note you sent him under date of August 15 last, inviting him to a conference with the chiefs of the rebel party to consider the Mexican situation and re-establish peace, he has seen fit to direct that I address your Excellencies as I now have the honor to do and to say to you in his name that as First Chief of the Constitutionalist Army in charge of the Executive Power of the Republic he cannot consent to a discussion of the domestic affairs of the Republic by mediation or on the initiative of any foreign government whatever, since it is the imperative duty of all to respect the sovereignty of the several nations and inasmuch as acceptance of the invitation which Your Excellencies were pleased to extend to him to attend a conference with the chiefs of the rebel faction with a view to restoring peace in Mexico

[1] This dispatch reached the Department of State from Mr. Silliman, consul at Vera Cruz, by telegraph, being contained in a letter from Mr. Acuña to Mr. Silliman.

would deeply affect the independence of the Republic and set a precedent for foreign intromission in the settlement of our internal questions, that consideration alone would suffice to our Government in not permitting it, in legitimate defense of the sovereignty of the Mexican people and of the other American nations.

Apart from that fundamental reason there are others which I do not wish to pass over, so as to bring into your minds the intimate conviction that the action of the First Chief of the Constitutionalist Army in charge of the Executive Power of the Nation in adopting this course is solely prompted by the highest duties put upon him by his high office. I am sure that Your Excellencies do not doubt that Mexico is now stirred by a genuine revolution which aims at doing away with the last vestiges of the colonial times as well as with all the errors and excesses of past administrations and to satisfy the noble yearnings of the Mexican people for well being and improvement. In the course of our civil strife, the aspirations of the people have gone through a process of refinement; their ideals have been fully and clearly defined, and their men have made themselves known, and under the guidance of the most pressing needs for the welfare of the Nation the First Chief has launched a complete program of reforms which has served as a foundation for the new social organization that has begun to take root and for the operation of the Constitutional Government hereafter to be established.

On the other hand, Your Excellencies may have noticed from the replies made to your note addressed to the civil and military chiefs under the First Chiefship that the First Chief is the only authority that could and does pass upon the question that was submitted to the consideration of those who gave in their answer an eloquent example of discipline and solidarity and also striking evidence of the First Chief's ability to maintain unity in the Constitutionalist Government and that in the face of a protracted struggle and in spite of the ignoble and reiterated intrigues of our enemies with the object of relaxing discipline in the Constitutionalist Army and corrupting its leading Commanders. On the First Chief then rests the immense responsibility of realizing the national aspirations and he cannot, through a compromise, endanger the fate of the motherland or permit

the foes of the cause he represents to take any direct part in the Government. Neither does he deem it just or wise to let the blood spilt on the soil of the Republic go to waste by entering the path which Your Excellencies courteously and disinterestedly show to him but which he believes to be wrong on the strength of the teachings of our own experience.

Started by Don Francisco I. Madero the Revolution of 1910 could not be carried out because of the compromise effected at Ciudad Juarez with the old régime. The treaties there concluded allowed the enemies of the people to stand and were one of the main causes of the tragic events of February, 1913, which are surely known to Your Excellencies and in the contriving of which no small part was taken by several foreign ministers accredited to the Government of Mexico. After the assassination of President Madero and the consummation of one of the most infamous treasons recorded in our history, the First Chief of the Constitutionalist Army, then Constitutional Governor of the State of Coahuila, took the position he was bound to take under the Constitution. Refusing to recognize General Victoriano Huerta as Chief of the Executive Power and issuing an appeal to the Governors of the other states and commanders of forces to second him in his endeavor to free the people from the ignominious dictatorship of the Usurper of the Public Power, his call was enthusiastically responded to by the people and long and bloody was the struggle. The citizen First Chief conquered the usurper who had at his disposal the largest army that the Republic ever had. But preparing for the achievement of that brilliant triumph, the reactionaries had bribed one of the Constitutionalist Generals, Francisco Villa, who made his appearance as chief of a new reactionary movement, availing himself of the powerful elements with which he had been intrusted by the First Chief and mainly aided by those who had supported Huerta the Usurper.

After the deplorable spectacle of the Aguascalientes Convention and through a renewed fierce struggle the cause of the people again won irresistibly. The strife is now nearing its end and the reactionary faction, annihilated, is seeking refuge on the northern border, controlling only the State of Chihuahua, a small part of the State of

Sonora and, in the center, the State of Morelos which the Constitutional forces will soon occupy.

The First Chief, with an army of one hundred and fifty thousand men, now dominates the greater part of the National territory and in the vast region under his authority, all the departments of public government have been re-established, all the ways of communication have been repaired, connections have been restored for railway traffic, and in the fields and cities there is a renascence of the activity and hustle of ordinary life.

I have no doubt that Your Excellencies will draw from the foregoing statement the intimate conviction that by entering into agreements with the vanquished faction, the First Chief would not only relinquish the victory won at the cost of so many sacrifices but also the First Chiefship of the Constitutionalist Army and the Executive Power of the Nation and thereby foil the faith and confidence reposed in him by the Mexican Army and people. Furthermore Your Excellencies must not forget that the yearning of this people for freedom and democracy is entirely legitimate and that nobody has a right to prevent their enjoying the fruit of their trying struggles in the not distant future.

In view of the foregoing, the citizen First Chief of the Constitutionalist Army in charge of the Executive Power directs me to say to you, as I now have the honor to do, Messrs. Ministers, that he regrets his inability to accept your courteous invitation under the conditions and for the purpose stated therein, but that, imbued with the sincerity and noble desires of Your Excellencies' Government in contributing to the restoration of peace in Mexico, which is soon to be restored by the forces of the Constitutionalist Government and by way of responding to Your Excellencies' courtesy and noble purposes, and in evidence of the harmony and true friendship that must exist among the American Republics, he takes, in turn, pleasure in inviting you, Messrs. Ministers, to join, in person or by a Committee appointed from among Your Excellencies to represent you, in a conference with him which can be held in one of the border towns on the banks of the Rio Grande held by his forces and which might be previously agreed on to that effect, for the purpose of

discussing Mexican affairs from the international standpoint with the sole object, in the event of Your Excellencies considering the First Chief of the Constitutionalist Army in charge of the Executive Power, citizen Venustiano Carranza, as exercising a *de facto* Government in the Republic with all the powers required for his recognition as such, that you be pleased to recommend to your respective Governments that he be recognized in the above stated character, which would afford further occasion to tighten the relations of friendship between the peoples and Governments of Your Excellencies and the Mexican people and Government.

I have the honor to present to you, Messrs. Ministers, on this occasion, my most respectful and distinguished consideration.

JESUS ACUÑA,

Secretary in charge of the Department of Foreign Relations.

e. STATEMENT ISSUED AFTER THIRD DIPLOMATIC CONFERENCE, NEW YORK, SEPTEMBER 18, 1915.[1]

The conference held in New York on the 11th of August, in addition to deciding upon the transmission of a telegram addressed to the persons constituted in authority in Mexico inviting them to cease the struggle by the organization of a *de facto* Government by common agreement among them, resolved to recommend to the Governments represented at it "the recognition without further analysis of the Government arising out of such agreement, provided it guaranteed the lives and property of nationals and foreigners," and in the event of such agreement not being possible, "the recognition of any provisional Government with the material and moral capacity necessary to protect the lives and property of nationals and foreigners."

In pursuance with the resolution and the impossibility of recognizing a Government of all the factions, owing to the lack of such agreement, the diplomatic representatives resolved at the last conference to communicate to their respective Governments that, in their

[1] New York *Times*, September 19, 1915.

judgment, the time has now come to carry out the policy agreed on at the conference of the 11th of August in case of the impossibility of recognizing a *de facto* Government springing from the common agreement of all the factions. Therefore, the *de facto* Government aspiring to recognition must possess, should this policy be approved by all the Governments, the material and moral capacity necessary to protect the lives and property of nationals and foreigners. Each Government shall itself judge such capacity and recognition will likewise be extended by each Government separately at such time as it may deem proper. Recognition will naturally entail as a result the appointment of diplomatic representatives accredited to the head of the Government recognized.

The American diplomats hold that, in adopting this resolution and in considering the situation of Mexico at previous conferences, as well as in addressing to the persons constituted in authority in Mexico the circular of August 16 [1] last, they have merely exercised in the most judicious manner possible, the indisputable international right of taking the preliminary steps toward the recognition of a *de facto* Government in a case of civil war, vested in all Governments, without thereby interfering, either directly or indirectly in the internal affairs of Mexico, an interference which has not at any moment been contemplated.

It has always been a sense of the conference that the pacification of Mexico is a question to be exclusively decided by the Mexicans themselves, and it trusts that a Government recognized by all the Governments of the world will be able to attain that result and assure the welfare of the sister country.

[1] The circular letter of August 11, which was sent out on several subsequent days, is evidently referred to.

f. Pledges of Gen. Venustiano Carranza, First Chief of the Constitutionalists.

Agencia Confidencial
del
Gobierno Constitucionalista de Mexico.

Washington, D.C.,
October 7, 1915.

Mr. Secretary:

In consideration of the agreement between Your Excellency and the other American representatives, during the last conference held in New York, on the 18th ultimo, I have the honor to transmit, herewith, for Your Excellency's information, a copy of declarations made by Mr. Carranza, as the Leader of the Revolution and Depository of the Executive Power of Mexico, which define the tendencies and program to be followed by the Constitutionalist Government, during its transitory period, indispensable for the holding of general elections in the Republic, wherefrom a definite constitutional government will emanate.

Mr. Venustiano Carranza, Depository of the Executive Power of Mexico, whom I have the honor to represent in this country, has authorized me to say to Your Excellency that his public declarations of December 12, 1914, and June 11, 1915, bear the statement that the government he represents, in its capacity of a political entity, conscious of its international obligations and of its capability to comply with them, has afforded guarantees to the nationals, and has done likewise with regard to foreigners and shall continue to see that their lives and property are respected, in accordance with the practices established by civilized nations and the treaties in force between Mexico and other countries.

That besides the above, he will recognize and satisfy indemnities for damages caused by the revolution, which shall be settled in due time and in terms of justice.

I avail myself of this opportunity to reiterate to Your Excellency the assurance of my highest consideration.

Confidential Agent,

E. Arredondo.

His Excellency Robert Lansing,

Secretary of State of the United States of America,
Washington, D.C.

(inclosures.)

(1.) *Public Declaration and Decree of General Carranza, December 12, 1914.*

DEPARTMENT OF THE INTERIOR.

I, Venustiano Carranza, First Chief of the Constitutionalist Army and Depository of the Executive Power of the Republic of Mexico, taking into consideration:

That on the arrest of the President and Vice President, on the 19th of February, 1913, by ex-Gen. Victoriano Huerta, and the usurpation of public power by the latter, on the 20th of the same month, and immediately thereafter depriving the above-mentioned public officers of their lives, the constitutional order of the republic was interrupted and thus the country was deprived of a lawful government;

That the undersigned, in his capacity as constitutional governor of the state of Coahuila, had solemnly taken the oath to observe and cause the general Constitution to be observed, and that, complying with this duty and the above oath, he was inevitably obliged to rise in arms to oppose the usurpation of Huerta, and to restore constitutional order in the Republic of Mexico;

That this duty, furthermore, was imposed upon him in a precise and express manner by a decree of the Legislature of the state of Coahuila, by which he was categorically directed to repudiate the government of the usurper Huerta and to oppose it by the force of arms until it would be completely overthrown;

That in view of the occurrence, the undersigned called all patriotic

Mexicans to arms, and with the first ones who followed him he framed the Plan of Guadalupe, on March 26, 1913, which has served to this day as the banner and by-law of the Constitutionalist Revolution;

That from the military groups which were formed to oppose Huerta's usurpation, the divisions of the Northwest, Northeast, East, Center and South operated under the leadership of the First Chieftainship, perfect harmony existing between this and the former and complete co-ordination in the means of action to accomplish the desired purpose; though the same did not occur with the Northern division, which, under the command of General Francisco Villa, showed from the beginning private tendencies and finally severed its connections with the headquarters of the Constitutionalist Revolution, acting according to its own initiative, to such extent that the First Chief does not know to this day, in a great measure, the means by which the above-mentioned general has secured funds and sustained the campaign, the amount of such funds and the use he may have made of them;

That upon the arrival at the City of Mexico of the victorious revolutionary army, it endeavored to properly organize the provisional Government and was getting ready, besides, to meet the demands of public opinion, by a satisfactory solution of the imperative exigencies of social reform needed by the people, when it was confronted with the difficulties which the reaction had been preparing in the bosom of the Northern division, in order to frustrate the triumphs reached by the efforts of the Constitutionalist Army;

That the First Chieftainship, anxious to organize the provisional Government in accordance with the ideas and tendencies of the men who, with arms in hand, made the Constitutionalist Revolution, and who, therefore, were intimately cognizant of the ideals which were pursued, called a general convention to be held in the City of Mexico, composed of generals, governors and officers in command of troops, to the end that all of them together should decide on a program of government. indicate in a general way such reforms as seemed indispensable for the accomplishment of the social and political redemption of the nation, and would establish the form and time when constitutional order should be restored;

That this purpose had soon to be deferred, because the generals, governors and officers who attended the Military Convention in the City of Mexico, considered it advisable that there should be representatives at all the meetings of the elements which had taken part in the fight against the usurpation of Huerta, as some of them had abstained from attending, giving as a pretext a lack of guarantees and because of the rebellion which Francisco Villa had already started against the Chief's Office, and on this account they expressed their desire to be transferred to Aguascalientes,[1] the place they considered more appropriate and having the conditions of neutrality sought by the Military Convention for the prosecution of their work;

That the members of the Convention adopted this determination after they had reiterated to the undersigned their confirmation of his functions as First Chief of the Constitutionalist Revolution and Depository of the Executive Power of the Republic, which investiture he had then relinquished formally, in order to show that he was not animated by undue sentiments of personal ambition, but that, in view of existing difficulties, his cherished aim was that revolutionary action should not be divided, and thus frustrate the fruits of the victorious revolution;

That this First Chieftainship made no opposition to the transfer of the Military Convention to the city of Aguascalientes, although it was intimately persuaded that, far from obtaining the conciliation sought, the separation between the commander of the Northern division and the Constitutionalist Army would become still deeper, because the First Chief did not wish to make the impression that he had the deliberate intention of excluding the Northern division from the discussion upon matters of the greatest importance; also because he did [not?] wish to appear as refusing that a last effort toward conciliation should be made, and because he believed that it was imperative, for the good of the revolution, that the true motives of General Villa should be disclosed in an evident manner before the national conscience, relieving from error those who in good faith believed in the sincerity and patriotism of General Villa and the group of men who surrounded him;

[1] This city was the headquarters of the Northern division, Gen. Francisco Villa commanding.

That as soon as the works of the Aguascalientes Convention were initiated, the machinations of the Villista agents were laid bare, they having performed the principal rôle at the Convention, and the system of threats was felt and unbridled pressure was put to practice against those, who, on account of their sense of honor and spirit of independence, opposed the impositions of the commander of the Northern division to direct the works of the Convention to suit his pleasure;

That, on the other hand, many of the chiefs who attended the Aguascalientes Convention did not grasp the importance and true mission of the Convention, and as they were men of little or no experience in political matters, the malicious agents of Villa profited by their good faith, and dragged them to second inadvertently the maneuvering of the Northern division, without regard to the cause of the people or even outlining the general thought of the Revolution and the program of the pre-constitutional government, which was generally desired;

That for the purpose of avoiding a controversy of a purely personal character and the further shedding of blood, the First Chieftainship made every possible effort to reach a conciliation, offering to withdraw from power provided a government capable of carrying into effect the social and political reforms demanded by the country should be established. But having failed to satisfy the thirst for power of the Northern division, notwithstanding the successive concessions made by the First Chieftainship, and in view of the well-defined attitude of a great number of Constitutionalist leaders who, repudiating the resolutions adopted by the Aguascalientes Convention, ratified their allegiance to the Plan of Guadalupe,[1] this First

[1] The essentials of this plan, which was signed at the estate of Guadalupe, Coahuila, March 26, 1913, are:

1. We repudiate Gen. Victoriano Huerta as President of the Republic.
2. We repudiate also the legislative and judicial powers of the Federation.
3. We repudiate the governments of the states which, 30 days hence, shall recognize the Federal authorities which form the present administration.
4. For the organization of the military forces necessary to make compliance with our purposes we name as first chief of the forces, which shall be called "Constitutionalists," Don Venustiano Carranza, governor of the state of Coahuila.
5. On the occupation by the Constitutionalist forces of the City of Mexico,

Chieftainship was constrained to accept the challenge to fight the reaction led at present by General Francisco Villa;

That the class of the elements on which General Villa is banking, which are the same that prevented President Madero from directing his policy, are, therefore, politically responsible, in a radical sense, for his downfall. On the other hand, the express declarations made on several occasions by the commander of the Northern division advocating the establishment of constitutional order before the social and political reforms demanded by the country take place, clearly demonstrate that the insubordination of General Villa is of a strictly reactionary character and contrary to constitutionalist activities, and has for a purpose to frustrate the complete success of the revolution, preventing the establishment of a pre-constitutional government intrusted with the enactment and enforcement of the reforms which have been the subject of the struggle which has been raging for the last four years;

That, therefore, it is a duty in behalf of the revolution and the fatherland to continue the revolution started in 1913, pursuing the fight against the new enemies of the liberty of the Mexican people;

That it being imperative, therefore, that the interruption of constitutional order should subsist during this new period of the struggle, the Plan of Guadalupe should therefore continue to be in force, as it has been the guidance and banner of it, until the enemy may have been overpowered completely in order that the constitution may be restored;

That it having been impossible to carry into effect the purposes for which the Military Convention of October, 1914, was convened, and the purpose of the new fight being, on the part of the reactionary

the executive power shall be taken charge of by Don Venustiano Carranza, first chief of the forces, or whoever may be substituted in command.

6. The President *ad interim* of the Republic shall convoke general elections as soon as peace shall have been established, delivering the power to the person who shall be elected.

7. The person acting as first chief of the Constitutionalist forces will assume charge as provisional governor of such states as have recognized Huerta, and shall convoke local elections, after which the persons elected shall assume their duties. (Sen. Doc. No. 153, 63d Cong., 1st Sess., page 10.)

troops commanded by General Villa, to prevent the realization of revolutionary reforms demanded by the Mexican people, the First Chief of the Revolution is obliged to procure that, at the earliest possible moment, there should be put into effect all the laws covering the political and economic reforms which the country requires, enacting the same during the struggle that is to be commenced;

That, therefore, and it being necessary for the Plan of Guadalupe to remain in force in its essential part, it is imperative that the Mexican people and the Constitutionalist Army should clearly know the military ends which are being pursued in the present fight, which are the annihilation of the reaction creeping up with General Villa at the head, and the establishment of the political and social principles which inspire this First Chieftainship, which are the ideals for which the Mexican people have been fighting during the last four years.

That, therefore, and in accordance with the most general sentiments among the leaders of the Constitutionalist Army, the governors of the states and of other collaborators of the revolution, and interpreting the needs of the Mexican people, I, Venustiano Carranza, have seen fit to decree the following:

Article 1. The Plan of Guadalupe of March 26, 1913, shall subsist until the complete triumph of the Revolution, and, therefore, Citizen Venustiano Carranza shall continue in his post as First Chief of the Constitutionalist Revolution and as Depository of the Executive Power of the nation, until the enemy is overpowered, and peace is restored.

Article 2. The First Chief of the Revolution and Depository of the Executive Power of the Republic, shall enact and enforce, during the struggle, all the laws, provisions, and measures tending to meet the economic, social and political needs of the country, carrying into effect the reforms which public opinion demands as indispensable for the establishment of a régime which will guarantee the equality of Mexicans among themselves, agrarian laws favoring the creation of small landowners, the suppression of latifundia or large land-holders and the restoration to townships of the lands illegally taken from them; fiscal laws tending to establish an equitable system of taxation on real estate; laws tending to improve the condition of

the rural laborer, the working man, the miner, and, in general, of the working classes; the establishment of municipal freedom as a constitutional institution; bases for a new system of organization of the army; amendments of the election laws in order to insure the effectiveness of suffrage; organization of an independent judicial power, in the federation as well as in the states; revision of the laws relative to marriage and the civil status of persons; provisions guaranteeing the strict observance of the laws of reform; revision of the civil, penal and commercial codes; amendment of judicial procedure, for the purpose of expediting and causing the effectiveness of the administration of justice; revision of laws relative to the exploitation of mines, petroleum, water rights, forests and other natural resources of the country, in order to destroy the monopolies created by the old régime and to prevent the formation of new ones; political reforms which will insure the absolute observance of the Constitution of Mexico, and, in general, all the other laws which may be deemed necessary to insure for all the inhabitants of the country the effectiveness and full enjoyment of their rights, and their equality before the laws.

ARTICLE 3. In order to continue the struggle and to carry into effect the reforms referred to in the preceding article, the Chief of the Revolution is hereby expressly authorized to convene and organize the Constitutionalist Army and direct the operations of the campaign; to appoint the governors and military commanders of the states and to remove them freely; to effect the expropriations on account of public utility which may be necessary for the distributions of lands, founding of townships and other public services; to negotiate loans and issue obligation against the National Treasury, indicating the property which shall guarantee them; to appoint and remove freely federal employees of the civil administration and of the states and to fix the powers of each of them; to make, either directly or through the chiefs he may appoint, requisitions for lands, buildings, arms, horses, vehicles, provisions and other elements of war; and to create decorations and decree recompenses for services rendered to the Revolution.

ARTICLE 4. Upon the success of the Revolution and the reestablishment of the First Chieftainship in the City of Mexico and

after the elections for municipal councils in the majority of the states of the Republic, the First Chief of the Revolution, as Depository of the Executive Power of the Nation, shall issue the call for election of members of the Federal Congress, fixing in the call the dates and terms in which the elections shall take place.

ARTICLE 5. Immediately after the installation of the Federal Congress, the First Chief of the Revolution shall render an account before it of the use he may have made of the powers with which he is hereby invested, and he shall especially submit the reforms which may have been enacted and made effective during the struggle, to the end that Congress may ratify them, amend them or complete them, and in order that, prior to the establishment of constitutional order, it may give the vigor of constitutional provisions to those which ought to have such character.

ARTICLE 6. The Federal Congress shall convene the people to the election of President of the Republic and as soon as this takes place, the First Chief of the Revolution shall deliver to the President-elect the executive power of the nation.

ARTICLE 7. In case of absolute default of the present Chief of the Revolution and in the mean time the generals and governors proceed to the election of the person who is to take his place, the Chief Office shall be temporarily filled by the Commander of the Army corps at the place where the Revolutionary Government may be when the default of the First Chief occurs.

V. CARRANZA.

ADOLFO DE LA HUERTA.

The Chief Clerk of the Department of the Interior.

Constitution and Reforms, December 12, 1914.

(2.) *Declaration to the Nation by the First Chief of the Constitutionalist Government of Mexico and Depository of the Executive Power of the Republic, June 11, 1915.*

At last, after five years of struggle brought about by the long régime of oppression, which kept alive and aggravated the unbalanced economic and social conditions of the colonial era, the revolution is about to end, overpowering the enemy and establishing definitely

the economic reforms and political reforms, which constitute its purpose and which are the only ones which can insure the peace emanating from the welfare of the majority, from equality before the law and from justice.

The revolution has had the instinctive and generous sympathy of free countries, precisely because its aim has not been the mere change of personnel of the administration, but the complete substitution of a régime of oppression by a régime of freedom. The struggle has been a long one because the impatience of the revolutionaries to attain victory in 1911 gave room to the compromise with the elements of the old régime at Ciudad Juarez. From that moment, those elements, accepted so easily and kindly, began their work of undermining within the revolutionary midst itself the prestige and authority of the men who a short time later were elevated to power by the free vote of the people. President Madero found himself in the impossibility of realizing the reforms demanded by the people; first, because within his own government almost the whole personnel of the old régime had remained, and, second, because he had to devote his whole time to fight that same old régime which had successfully risen in arms with Reyes, Orozco and Felix Diaz, and which fomented at the same time that it vitiated the rebellion of Zapata. The reaction having been unable, in spite of the above, to suppress the reform tendencies of the new régime, it decided that the Federal Army should betray the legitimate government of the Republic. Treason was carried into effect by General Huerta under the pretext of saving the City of Mexico from the horrors of war, and, with the co-operation of a group of foreigners favored by the old régime and who surrounded Henry Lane Wilson, the President and Vice President were assassinated and due to the complicity or weakness of the other powers, the nation was left without a constitutional representative. Then I, as Governor of the state of Coahuila, and in obedience to the Constitutional provisions, Articles 121 and 128 of our fundamental charter, assumed the representation of the Republic in the terms in which the Constitution itself vests me with this right, and supported by the people which rose in arms to regain its liberty. In fact, the above-mentioned articles provide the following:

Every public officer, without any exception, before taking possession of his charge, shall take an oath to maintain this Constitution and the laws emanating from it.

This Constitution shall not lose its force and vigor even if on account of rebellion its observance may be interrupted. In the case that, as a result of a public disturbance, a government contrary to the principles which it sanctions is established, its observance shall be re-established as soon as the people recover their freedom, and, in accordance with it and the laws which have been put into force under it, those who shall have figured in the government resulting from the rebellion and those who shall have co-operated therein shall be judged.

After overpowering the rebellion and usurpation of Huerta, and before the Constitutionalist Army reached the City of Mexico, the reactionaries, faithful to their old procedure, began to mingle in our ranks and to corrupt those who ought to have given their support to this government, determining as a result the repudiation of it by General Villa and the formation of factions whose chiefs felt encouraged by the presence of foreign representatives who were with them.

When our forces left the City of Mexico, pursuant to a military and political plan, it was thought that the Constitutionalist government had lost the support of the people and with it its prestige and force, and that it would follow the course of previous trespassers of public power, but the apparent victory of the reaction, headed by Francisco Villa, was still more ephemeral than the one obtained by the usurpation of General Huerta, and to-day, after the greatest and most definite victories militarily obtained by the army of the people in various parts of the country, I can say to my countrymen that the Constitutionalist government has control of over seven-eighths of the national territory; that it is organizing public administration in twenty out of the twenty-seven states of the Republic and in more than half of the other seven states; that it controls all the maritime ports on the Gulf and on the Pacific Ocean, with the exception of Guaymas, and all the ports of entry on the northern and southern frontiers, with the exception of Piedras Negras, Ciudad Juarez and Nogales; that more than thirteen million of the fifteen

which represent the population of the country, that is to say, nine-tenths of the total population of the Republic, are governed by the administration over which I preside; that day after day the factions are being routed and dispersed, their offensive action being limited at present to acts of brigandage, and that within a short time the occupation of the City of Mexico will contribute to make the action of the Constitutionalist government more harmonious and efficient in all the territory of the Republic. Therefore, our country is nearing the end of its revolution and the consolidation of a definite peace, based on conditions of welfare and justice.

In the midst of the greatest difficulties and within that which may be humanely possible, the Constitutionalist government has complied with its duties and has extenuated in behalf of the people the hardships of war, either forbidding the exportation of articles of prime necessity or adopting measures of practical effect to facilitate the acquisition of the same for the benefit of the poor; it has afforded guarantees and given protection to the inhabitants within the territory controlled by the Constitutionalist forces, all of whom live a life of normal activity; it has prevented and punished the faults and abuses growing out of the state of social disturbance, which, lamentable as they may be, neither because of their number nor their importance, can be considered as the characteristic feature of a governmental régime. I am the first one to deplore the privations which the Mexican people have had to suffer as a result of the war, which constitute one of the many sacrifices the people have to pass through in order to conquer their liberties; but I am decided to employ all the means which may be at the reach of the government to comply with the work of humanity demanded by the circumstances. Fortunately, the recent victories over the factions enlarge the sphere of action of the Constitutionalist government and facilitate the compliance of the duties which all governments have with regard to their constituents to afford guarantees to the inhabitants and to procure the welfare of the masses.

With regard to our foreign relations, notwithstanding that one of my first acts was to address a note by telegraph to the State Department of the United States of America apprising it of my capacity

in front of the rebellion and the usurpation, one of the difficulties which has retarded our labors has been the lack of understanding between the government I have the honor to represent and the Governments of other nations, especially that of the United States.

The great interests of the old régime have created a real system of falsehoods and slander against this government, spreading them day after day through the channel of the powerful journals of the American "científico" press, which reach the ear of the press of the world, with the object of deforming before the opinion of other nations the procedure and the tendencies of the Mexican revolution; the same interests have used their influence to have false reports rendered to the Governments of other countries, and especially so with regard to the United States, whenever they have endeavored to form judgment concerning the Mexican situation. The Constitutionalist government has been deprived of the facilities to make any rectifications against such reports, because it has been denied the opportunity and the means incidental to diplomatic relations between one country and another.

We feel that we are at the present time in condition to overcome this last difficulty, because the Constitutionalist government is now in fact in definite possession of the sovereignty of the country; and the legitimate army of sovereignty is the essential condition to be borne in mind when deciding upon the recognition of a government. If, as we expect and desire in behalf of the Mexican people and of the foreign residents of this country, the Governments of other nations recognize the Constitutionalist Government, this act of justice will afford it an efficient moral assistance, not only to strengthen the friendly relations which Mexico has always maintained with those nations and be able to discuss their common affairs conciliating their mutual interests, but also to secure a more speedy consolidation of peace to establish a constructive constitutional government, supported by the reforms and the program of the revolution, whose aims are the greater good to the greater number.

I am, therefore, of the opinion that the time has come to call the attention of the warring factions which are still engaged in armed opposition against the Constitutionalist government to the futility

of their attitude, because of the recent and definite victories gained by our army, as well as because of the conviction they must have of our sincerity and capability to carry into realization the ideals of the revolution. Therefore, I appeal to those factions to submit to the Constitutionalist government in order to expedite the re-establishment of peace and to consummate the work of the revolution. With a view to realizing the above-mentioned purposes, I have deemed proper to inform the nation upon the political conduct to be observed by the Constitutionalist government, in the performance of the program of social reform contained in the decree of December 12, 1914.

1st. The Constitutionalist government shall afford to foreigners residing in Mexico all the guarantees to which they are entitled according to our laws, and shall amply protect their lives, their freedom and the enjoyment of their rights of property, allowing them indemnities for the damages which the revolution may have caused to them, in so far as such indemnities may be just, and which are to be determined by a procedure to be established later. The government shall also assume the responsibility of legitimate financial obligations.

2nd. The first concern of the Constitutionalist government shall be to re-establish peace within the province of law and order, to the end that all the inhabitants of Mexico, both native and foreign, shall equally enjoy the benefits of true justice and be interested in co-operating to the support of the government emanating from the revolution. The commission of crimes of the common order shall be punished. In due time an amnesty shall be enacted in keeping with the necessities of the country and the situation, which in no way shall exempt those under it of the civil responsibilities they may have incurred.

3rd. The constitutional laws of Mexico known under the name of Laws of Reform, which establish the separation of the church and the state and which guarantee the individual right of worship in accordance with his own conscience and without offending public order, shall be strictly observed; therefore, no one shall suffer in his life, freedom and property because of his religious beliefs. Temples

shall continue to be the property of the nation according to laws in force, and the Constitutionalist government shall again cede for the purposes of worship those which may be necessary.

4th. There shall be no confiscation in connection with the settlement of the agrarian question. This problem shall be solved by an equitable distribution of the lands still owned by the government; by the recovery of those lots which may have been illegally taken from individuals or communities; by the purchase and expropriation of large tracts of land, if necessary; by all other means of acquisition permitted by the laws of the country. The Constitution of Mexico forbids privileges, and therefore all kinds of properties, regardless of who the owners may be, whether operated or not, shall in the future be subject to the proportional payment of a tax in accordance with a just and equitable valuation.

5th. All property legitimately acquired from individuals or legal governments, and which may not constitute a privilege or a monopoly, shall be respected.

6th. The peace and safety of a nation depends from the clear understanding of citizenship. Therefore, the government shall take pains in developing public education, causing it to spread throughout the whole country, and to this end it shall utilize all co-operation rendered in good faith, permitting the establishment of private schools subject to our laws.

7th. In order to establish the constitutional government, the government presided over by me shall observe and comply with the provisions of Articles 4, 5 and 6 of the decree of December 12, 1914, which read as follows:

ARTICLE 4. Upon the success of the Revolution and the re-establishment of the First Chieftainship in the City of Mexico and after the elections for municipal councils in the majority of the states of the Republic, the First Chief of the Revolution, as Depository of the Executive Power of the Nation, shall issue the call for election of members of the Federal Congress, fixing in the call the dates and terms in which the elections shall take place.

ARTICLE 5. Immediately after the installation of the Federal Congress, the First Chief of the Revolution shall render an account before it of the

use he may have made of the powers with which he is hereby invested, and he shall especially submit to it the reforms which may have been enacted and made effective during the struggle, to the end that Congress may ratify them, amend them or complete them, and in order that, prior to the establishment of constitutional order, it may give the vigor of constitutional provisions to those which ought to have such character.

ARTICLE 6. The Federal Congress shall convene the people to the election of President of the Republic and as soon as this takes place, the First Chief of the Revolution shall deliver to the President-elect the executive power of the nation.

V. CARRANZA,

First Chief of the Constitutionalist Army and Depository of the Executive Power of the Republic of Mexico.

Constitution and reforms, Vera Cruz, June 11, 1915.

g. RECOGNITION OF THE CARRANZA GOVERNMENT.

The Secretary of State to Mr. Arredondo.[1]

DEPARTMENT OF STATE,
WASHINGTON, October 19, 1915.

My Dear Mr. Arredondo:

It is my pleasure to inform you that the President of the United States takes this opportunity of extending recognition to the *de facto* Government of Mexico, of which General Venustiano Carranza is the Chief Executive.

The Government of the United States will be pleased to receive formally in Washington a diplomatic representative of the *de facto* Government as soon as it shall please General Carranza to designate and appoint such representative; and, reciprocally, the Government of the United States will accredit to the *de facto* Government a

[1] Simultaneously with the sending of this letter, the diplomatic representatives at Washington of the Argentine Republic, Brazil, Chile, Guatemala, Bolivia, Uruguay, Colombia and Nicaragua communicated letters identical with the above to Mr. Arredondo. By February 12, 1916, the Carranza *de facto* government had been recognized by substantially all the remaining countries of Latin America, and by Great Britain, France, Italy, Russia, Japan, Austria-Hungary, Germany and Spain.

diplomatic representative as soon as the President has had opportunity to designate such representative.

I should appreciate it if you could find it possible to communicate this information to General Carranza at your earliest convenience.

Very sincerely yours,

ROBERT LANSING.

h. Embargo on Export of Arms, etc., to Mexico.

By the President of the United States of America,

A Proclamation.

Whereas, a Joint Resolution of Congress, approved March 14th, 1912, reads and provides as follows:—"That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export except under such limitations and exceptions as the President shall prescribe any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress," and

Whereas, it is provided by Section II of the said Joint Resolution, "That any shipment of material hereby declared unlawful after such a proclamation shall be punishable by a fine not exceeding $10,000, or imprisonment not exceeding two years, or both":

Now, therefore, I, Woodrow Wilson, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in Mexico such conditions of domestic violence promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby

made applicable to Mexico, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted. And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this nineteenth day of October in the year of our Lord one thousand nine hundred [seal.] and fifteen and of the Independence of the United States of America the one hundred and fortieth.

WOODROW WILSON.

By the President:
Robert Lansing,
Secretary of State.

[No. 1315.]

The White House,
Washington, October 19, 1915.

My Dear Mr. Secretary:

I am informed by the Department of State that the recognized *de facto* Government of Mexico is now in effective control of all the ports of entry in Mexico, except those along the international boundary in the States of Chihuahua and Sonora and all the ports in Lower California.

As an exception to the embargo placed on the exportation of munitions of war to Mexico by the President's proclamation of October 19, 1915, you will please instruct the collectors of ports and other officers of the Treasury Department to permit to be exported through the United States custom houses munitions of war for the use of the recognized *de facto* Government of Mexico or for industrial or commercial uses within the limits of the territory under its effective

control as above set forth. This exception, however, shall not apply at the present time to shipments into the States of Chihuahua and Sonora and into the territory of Lower California, and you will so instruct the appropriate collectors of customs and other officers of the Treasury Department.

Sincerely yours,

WOODROW WILSON.

The Honorable the Secretary of the Treasury.

i. Statement by Mr. Arredondo, Mexican Ambassador at Washington.

Recognition of the Government of Mr. Carranza is a triumph of Pan American policy and without doubt will bring about very soon the re-establishment of peace and normal conditions in Mexico. For this, her sister Republics and their worthy representatives here deserve sincere and fraternal felicitation, as this act of justice has been done for one of the Republics which has been and shall continue to be an integral part of the international American concert.

Foreigners have and will continue to have the protection to which they are entitled by international law and existing treaties in accordance with international amity. Foreign capital will be welcomed and very soon a decree of amnesty which Mr. Carranza is preparing will be issued that will permit the Mexicans whose presence in Mexico will not constitute a vital menace to the peace and consolidation of the Government to return from their exile which has caused them to suffer on account of the civil war.

Railroad and telegraph communication is being re-established as rapidly as possible. The world generally, however, must be a little patient. Reconstruction cannot come in a day. I believe the extension of recognition in itself will have a good effect throughout Mexico, giving the people confidence in the new Government and tending to restore normal conditions. The United States has shown

itself throughout the last three years since the overthrow of Madero the constant friend of the revolution and in sympathy with its liberal principles. We to-day celebrate not only this, but a triumph of Pan American policy.

j. Resolution of the Pan American Union.[1]

"The chairman of the board, speaking as Secretary of State of the United States, took advantage of this meeting [2] to lay before the board a statement covering the action of the United States and the six Governments of Argentina, Bolivia, Brazil, Chile, Guatemala, and Uruguay in recognizing the *de facto* Government of Mexico. Following this important statement, which was listened to most attentively, the minister of Peru—speaking as the representative of one of the countries which was not actually engaged in the conference on the Mexican situation—introduced a resolution of appreciation and approval, which was seconded by the minister of Bolivia as the representative of one of the countries participating in the conference. Accompanying their motions with appropriate brief comments, the resolution, which was passed unanimously, reads as follows:

"The Pan American Union expresses its gratification and approval of the course adopted by the Governments of Argentina, Bolivia, Brazil, Chile, Guatemala, United States, and Uruguay in counseling together upon the situation in Mexico and in acting identically in recognizing the *de facto* Government of Mexico, in that it evidences the spirit of co-operation, which is the essential element of Pan American fraternity.

"The passing of this resolution made it a matter of international record that the action of seven of the American Governments in the Mexican situation was approved by all the other Governments of America and, therefore, became a Pan American act."

[1] Excerpt from *Bulletin of the Pan American Union*, Vol. XLI, page 609, November, 1915.

[2] The meeting was held on November 10, 1915.

8. President Wilson's Annual Address to Congress, December 7, 1915.

(EXCERPT.)

Gentlemen of the Congress, since I last had the privilege of addressing you on the state of the Union the war of nations on the other side of the sea, which had then only begun to disclose its portentous proportions, has extended its threatening and sinister scope until it has swept within its flame some portion of every quarter of the globe, not excepting our own hemisphere, has altered the whole face of international affairs, and now presents a prospect of reorganization and reconstruction such as statesmen and peoples have never been called upon to attempt before. We have stood apart, studiously neutral. It was our manifest duty to do so. Not only did we have no part or interest in the policies which seem to have brought the conflict on; it was necessary, if a universal catastrophe was to be avoided, that a limit should be set to the sweep of destructive war and that some part of the great family of nations should keep the processes of peace alive, if only to prevent collective economic ruin and the breakdown throughout the world of the industries by which its populations are fed and sustained. It was manifestly the duty of the self-governed nations of this hemisphere to redress, if possible, the balance of economic loss and confusion in the other, if they could do nothing more. In the day of readjustment and recuperation we earnestly hope and believe that they can be of infinite service.

In this neutrality, to which they were bidden not only by their separate life and their habitual detachment from the politics of Europe but also by a clear perception of international duty, the states of America have become conscious of a new and more vital community of interest and moral partnership in affairs, more clearly conscious of the many common sympathies and interests and duties which bid them stand together.

There was a time in the early days of our own great nation and of the republics fighting their way to independence in Central and South America when the Government of the United States looked upon itself

as in some sort the guardian of the republics to the south of her as against any encroachments or efforts at political control from the other side of the water; felt it its duty to play the part even without invitation from them; and I think that we can claim that the task was undertaken with a true and disinterested enthusiasm for the freedom of the Americas and the unmolested self-government of her independent peoples. But it was always difficult to maintain such a rôle without offense to the pride of the peoples whose freedom of action we sought to protect, and without provoking serious misconceptions of our motives, and every thoughtful man of affairs must welcome the altered circumstances of the new day in whose light we now stand, when there is no claim of guardianship or thought of wards but, instead, a full and honorable association as of partners between ourselves and our neighbors, in the interest of all America, north and south. Our concern for the independence and prosperity of the states of Central and South America is not altered. We retain unabated the spirit that has inspired us throughout the whole life of our government and which was so frankly put into words by President Monroe. We still mean always to make a common cause of national independence and of political liberty in America. But that purpose is now better understood so far as it concerns ourselves. It is known not to be a selfish purpose. It is known to have in it no thought of taking advantage of any government in this hemisphere or playing its political fortunes for our own benefit. All the governments of America stand, as far as we are concerned, upon a footing of genuine equality and unquestioned independence.

We have been put to the test in the case of Mexico, and we have stood the test. Whether we have benefited Mexico by the course we have pursued remains to be seen. Her fortunes are in her own hands. But we have at least proved that we will not take advantage of her in her distress and undertake to impose upon her an order and government of our own choosing. Liberty is often a fierce and intractable thing, to which no bounds can be set, and to which no bounds of a few men's choosing ought ever to be set. Every American who has drunk at the true fountains of principle and tradition must subscribe without reservation to the high doctrine of the Virginia

Bill of Rights, which in the great days in which our government was set up was everywhere among us accepted as the creed of free men. That doctrine is, "That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community"; that "of all the various modes and forms of government, that is the best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal." We have unhesitatingly applied that heroic principle to the case of Mexico, and now hopefully await the rebirth of the troubled republic, which had so much of which to purge itself and so little sympathy from any outside quarter in the radical but necessary process. We will aid and befriend Mexico, but we will not coerce her; and our course with regard to her ought to be sufficient proof to all America that we seek no political suzerainty or selfish control.

The moral is, that the states of America are not hostile rivals but co-operating friends, and that their growing sense of community of interest, alike in matters political and in matters economic, is likely to give them a new significance as factors in international affairs and in the political history of the world. It presents them as in a very deep and true sense a unit in world affairs, spiritual partners, standing together because thinking together, quick with common sympathies and common ideals. Separated they are subject to all the cross currents of the confused politics of a world of hostile rivalries; united in spirit and purpose they cannot be disappointed of their peaceful destiny.

This is Pan Americanism. It has none of the spirit of empire in it. It is the embodiment, the effectual embodiment, of the spirit of law and independence and liberty and mutual service.

A very notable body of men recently met in the city of Washington, at the invitation and as the guests of this Government, whose deliberations are likely to be looked back to as marking a memorable

turning point in the history of America. They were representative spokesmen of the several independent states of this hemisphere and were assembled to discuss the financial and commercial relations of the republics of the two continents which nature and political fortune have so intimately linked together. I earnestly recommend to your perusal the reports of their proceedings and of the actions of their committees. You will get from them, I think, a fresh conception of the ease and intelligence and advantage with which Americans of both continents may draw together in practical co-operation and of what the material foundations of this hopeful partnership of interest must consist,—of how we should build them and of how necessary it is that we should hasten their building.

There is, I venture to point out, an especial significance just now attaching to this whole matter of drawing the Americas together in bonds of honorable partnership and mutual advantage because of the economic readjustments which the world must inevitably witness within the next generation, when peace shall have at last resumed its healthful tasks. In the performance of these tasks, I believe the Americas to be destined to play their parts together. . . .

No one who really comprehends the spirit of the great people for whom we are appointed to speak can fail to perceive that their passion is for peace, their genius best displayed in the practice of the arts of peace. Great democracies are not belligerent. They do not seek or desire war. Their thought is of individual liberty and of the free labor that supports life and the uncensored thought that quickens it. Conquest and dominion are not in our reckoning or agreeable to our principles. But just because we demand unmolested development and the undisturbed government of our own lives upon our own principles of right and liberty, we resent, from whatever quarter it may come, the aggression we ourselves will not practice. We insist upon security in prosecuting our self-chosen lines of national development. We do more than that. We demand it also for others. We do not confine our enthusiasm for individual liberty and free national development to the incidents and movements of affairs which affect only ourselves. We feel it wherever there is a people that tries to walk in these difficult paths of independence and right.

From the first we have made common cause with all partisans of liberty on this side of the sea, and have deemed it as important that our neighbors should be free from all outside domination as that we ourselves should be; have set America aside as a whole for the uses of independent nations and political freemen.[1]

[1] Latin American popular opinion responded to this address. *La Prensa* of Buenos Aires, perhaps the best-known of South American dailies, commented on it as follows:

"There has been a gradual and continuous change in the American policy toward the republics of this continent. These changes have been coincident with the visits of prominent Americans to South America, with the result that a better knowledge of the state of civilization which has been reached by South Americans has become more general. This has been the principal cause of the gradual transformation. The Monroe doctrine is now essentially modified. It is necessary that it should no longer have the character of tutelage that it had at the time of its origin, but it must undergo an evolution toward Pan Americanism.

"No higher, more fundamental, more authoritative utterance has been made on the subject than that embodied in President Wilson's message. President Wilson made his statement without reserve and with sincerity, showing that it was the result of serene reflection. According to President Wilson, Monroeism will be a means of defense of this continent, but all the American states will be members of the international community, the United States having the same sovereign rank as the others.

"President Wilson's message will be as transcendent as was President Monroe's, both being in accord in regard to solidarity, but differing in regard to the conception of circumstances. President Wilson's program does not lack anything necessary to the high development of ideals."

9. Second Pan American Scientific Congress.

a. Address of Welcome by Secretary of State Lansing, December 27, 1915.

Pan Americanism.

Mr. President and Gentlemen of the Congress:

It is an especial gratification to me to address you to-day, not only as the officer of the United States who invited you to attend this great Scientific Congress of the American Republics, but also as the presiding member of the Governing Board of the Pan American Union. In this dual capacity I have the honor and the pleasure to welcome you, gentlemen, to the capital of this country, in the full confidence that your deliberations will be of mutual benefit in your various spheres of thought and research, and not only in your individual spheres but in the all-embracing sphere of Pan American unity and fraternity which is so near to the hearts of us all.

It is the Pan American spirit and the policy of Pan Americanism to which I would for a few moments direct your attention at this early meeting of the Congress, since it is my earnest hope that "Pan America" will be the keynote which will influence your relations with one another and inspire your thoughts and words.

Nearly a century has passed since President Monroe proclaimed to the world his famous doctrine as the national policy of the United States. It was founded on the principle that the safety of this Republic would be imperilled by the extension of sovereign rights by a European power over territory in this hemisphere. Conceived in a suspicion of monarchial institutions and in a full sympathy with the republican idea, it was uttered at a time when our neighbors to the south had won their independence and were gradually adapting themselves to the exercise of their newly acquired rights. To those struggling nations the doctrine became a shield against the great European powers, which in the spirit of the age coveted political control over the rich regions which the new-born states had made their own.

The United States was then a small nation, but a nation which

had been tried in the fire; a nation whose indomitable will had remained unshaken by the dangers through which it had passed. The announcement of the Monroe doctrine was a manifestation of this will. It was a courageous thing for President Monroe to do. It meant much in those early days, not only to this country but to those nations which were commencing a new life under the standard of liberty. How much it meant we can never know, since for four decades it remained unchallenged.

During that period the younger Republics of America, giving expression to the virile spirit born of independence and liberal institutions, developed rapidly and set their feet firmly on the path of national progress which has led them to that plane of intellectual and material prosperity which they to-day enjoy.

Within recent years the Government of the United States has found no occasion, with the exception of the Venezuela boundary incident, to remind Europe that the Monroe doctrine continues unaltered a national policy of this Republic. The Republics of America are no longer children in the great family of nations. They have attained maturity. With enterprise and patriotic fervor they are working out their several destinies.

During this later time when the American nations have come into a realization of their nationality and are fully conscious of the responsibilities and privileges which are theirs as sovereign and independent states, there has grown up a feeling that the Republics of this hemisphere constitute a group separate and apart from the other nations of the world, a group which is united by common ideals and common aspirations. I believe that this feeling is general throughout North and South America, and that year by year it has increased until it has become a potent influence over our political and commercial intercourse. It is the same feeling which, founded on sympathy and mutual interest, exists among the members of a family. It is the tie which draws together the twenty-one Republics and makes of them the American Family of Nations.

This feeling, vague at first, has become to-day a definite and certain force. We term it the "Pan American" spirit, from which springs the international policy of Pan Americanism. It is that policy which

is responsible for this great gathering of distinguished men, who represent the best and most advanced thought of the Americas. It is a policy which this Government has unhesitatingly adopted and which it will do all in its power to foster and promote.

When we attempt to analyze Pan Americanism we find that the essential qualities are those of the family—sympathy, helpfulness and a sincere desire to see another grow in prosperity, absence of covetousness of another's possessions, absence of jealousy of another's prominence, and, above all, absence of that spirit of intrigue which menaces the domestic peace of a neighbor. Such are the qualities of the family tie among individuals, and such should be, and I believe are, the qualities which compose the tie which unites the American Family of Nations.

I speak only for the Government of the United States, but in doing so I am sure that I express sentiments which will find an echo in every Republic represented here, when I say that the might of this country will never be exercised in a spirit of greed to wrest from a neighboring state its territory or possessions. The ambitions of this Republic do not lie in the path of conquest but in the paths of peace and justice. Whenever and wherever we can, we will stretch forth a hand to those who need help. If the sovereignty of a sister Republic is menaced from overseas, the power of the United States and, I hope and believe, the united power of the American Republics will constitute a bulwark which will protect the independence and integrity of their neighbor from unjust invasion or aggression. The American Family of Nations might well take for its motto that of Dumas's famous musketeers, "One for all; all for one."

If I have correctly interpreted Pan Americanism from the standpoint of the relations of our Governments with those beyond the seas, it is in entire harmony with the Monroe doctrine. The Monroe doctrine is a national policy of the United States; Pan Americanism is an international policy of the Americas. The motives are to an extent different; the ends sought are the same. Both can exist without impairing the force of either. And both do exist and, I trust, will ever exist in all their vigor.

But Pan Americanism extends beyond the sphere of politics and

finds its application in the varied fields of human enterprise. Bearing in mind that the essential idea manifests itself in co-operation, it becomes necessary for effective co-operation that we should know each other better than we do now. We must not only be neighbors, but friends; not only friends, but intimates. We must understand one another. We must comprehend our several needs. We must study the phases of material and intellectual development which enter into the varied problems of national progress. We should, therefore, when opportunity offers, come together and familiarize ourselves with each other's processes of thought in dealing with legal, economic and educational questions.

Commerce and industry, science and art, public and private law, government and education, all those great fields which invite the intellectual thought of man, fall within the province of the deliberations of this congress. In the exchange of ideas and comparison of experiences we will come to know one another and to carry to the nations which we represent a better and truer knowledge of our neighbors than we have had in the past. I believe that from that wider knowledge a mutual esteem and trust will spring which will unite these Republics more closely politically, commercially and intellectually, and will give to the Pan American spirit an impulse and power which it has never known before.

The present epoch is one which must bring home to every thinking American the wonderful benefits to be gained by trusting our neighbors and by being trusted by them, by co-operation and helpfulness, by a dignified regard for the rights of all, and by living our national lives in harmony and good will.

Across the thousands of miles of the Atlantic we see Europe convulsed with the most terrible conflict which this world has ever witnessed; we see the manhood of these great nations shattered, their homes ruined, their productive energies devoted to the one purpose of destroying their fellowmen. When we contemplate the untold misery which these once happy people are enduring and the heritage which they are transmitting to succeeding generations, we cannot but contrast a continent at war and a continent at peace. The spectacle teaches a lesson we cannot ignore.

If we seek the dominant ideas in world politics since we became independent nations, we will find that we won our liberties when individualism absorbed men's thoughts and inspired their deeds. This idea was gradually supplanted by that of nationalism, which found expression in the ambitions of conquest and the greed for territory so manifest in the nineteenth century. Following the impulse of nationalism the idea of internationalism began to develop. It appeared to be an increasing influence throughout the civilized world, when the present war of empires, that great manifestation of nationalism, stayed its progress in Europe and brought discouragement to those who had hoped that the new idea would usher in an era of universal peace and justice.

While we are not actual participants in the momentous struggle which is shattering the ideals toward which civilization was moving and is breaking down those principles on which internationalism is founded, we stand as anxious spectators of this most terrible example of nationalism. Let us hope that it is the final outburst of the cardinal evils of that idea which has for nearly a century spread its baleful influence over the world.

Pan Americanism is an expression of the idea of internationalism. America has become the guardian of that idea, which will in the end rule the world. Pan Americanism is the most advanced as well as the most practical form of that idea. It has been made possible because of our geographical isolation, of our similar political institutions, and of our common conception of human rights. Since the European war began other factors have strengthened this natural bond and given impulse to the movement. Never before have our people so fully realized the significance of the words "peace" and "fraternity." Never have the need and benefit of international co-operation in every form of human activity been so evident as they are to-day.

The path of opportunity lies plain before us Americans. The government and people of every Republic should strive to inspire in others confidence and co-operation by exhibiting integrity of purpose and equity in action. Let us as members of this congress, therefore, meet together on the plane of common interests, and together

seek the common good. Whatever is of common interest, whatever makes for the common good, whatever demands united effort is a fit subject for applied Pan Americanism. Fraternal helpfulness is the keystone to the arch. Its pillars are faith and justice.

In this great movement this congress will, I believe, play an exalted part. You, gentlemen, represent powerful intellectual forces in your respective countries. Together you represent the enlightened thought of the continent. The policy of Pan Americanism is practical. The Pan American spirit is ideal. It finds its source and being in the minds of thinking men. It is the offspring of the best, the noblest conception of international obligation.

With all earnestness, therefore, I commend to you, gentlemen, the thought of the American Republics, twenty-one sovereign and independent nations, bound together by faith and justice, and firmly cemented by a sympathy which knows no superior and no inferior, but which recognizes only equality and fraternity.[1]

[1] Many of the chairmen of delegations expressed the belief that the war in Europe had brought the Americas nearer together. Dr. Ernesto Quesada, chairman of the Argentine delegation, said that "never more than at the present moment, while Europe is in the great conflict of nations, has America been confronted by a more vital necessity to stand together." Señor Ignacio Calderón, chairman of the Bolivian delegation, put it this way: "Freedom is a gift that is only given to nations who know how and are ready to defend it. America is destined to lead the world. Let us work together for the principle of right and justice, of liberty and happiness." Dr. Eduardo J. Pinto of the Costa Rican delegation was even more emphatic: "It would seem," he said, "that by a natural reflex action Americans, having witnessed the result of upheaval and conflict across the Atlantic, have banded together in order that the bonds of their security and peace may be strengthened and assured." The following telegram from President Wilson to Director General John Barrett of the Pan American Union was received:

"Please present my warmest greetings to the delegates to the Pan American Scientific Congress, and extend to them on my behalf a most cordial welcome. It seems to me to be of the happiest omen that the attendance upon the congress should be large, and the interest in its proceedings so great. I hope that the greatest success will attend every activity of the congress, and that the intimate intercourses of thought which it produces will bind Americans still closer together throughout both continents alike in sympathy and in purpose."

b. Address of President Wilson, January 6, 1916.

Mr. Ambassador, Ladies and Gentlemen, it was a matter of sincere regret with me that I was not in the city to extend the greetings of the Government to this distinguished body, and I am very happy that I have returned in time at least to extend to it my felicitations upon the unusual interest and success of its proceedings. I wish that it might have been my good fortune to be present at the sessions and be instructed by the papers that were read. I have somewhat become inured to scientific papers in the course of a long experience, but I have never ceased to be instructed and to enjoy them.

The sessions of this congress have been looked forward to with the greatest interest throughout this country, because there is no more certain evidence of intellectual life than the desire of men of all nations to share their thoughts with one another.

I have been told so much about the proceedings of this congress that I feel that I can congratulate you upon the increasing sense of comradeship and intimate intercourse which has marked its sessions from day to day; and it is a very happy circumstance in our view that this, perhaps the most vital and successful of the meetings of this congress, should have occurred in the capital of our own country, because we should wish to regard this as the universal place where ideas worth while are exchanged and shared. The drawing together of the Americas, ladies and gentlemen, has long been dreamed of and desired. It is a matter of peculiar gratification, therefore, to see this great thing happen; to see the Americas drawing together, and not drawing together upon any insubstantial foundation of mere sentiment.

After all, even friendship must be based upon a perception of common sympathies, of common interests, of common ideals, and of common purposes. Men cannot be friends unless they intend the same things, and the Americas have more and more realized that in all essential particulars they intend the same thing with regard to their thought and their life and their activities. To be privileged, therefore, to see this drawing together in friendship and communion, based upon these solid foundations, affords every one who looks on with

open eyes peculiar satisfaction and joy; and it has seemed to me that the language of science, the language of impersonal thought, the language of those who think, not along the lines of individual interest, but along what are intended to be the direct and searching lines of truth itself, was a very fortunate language in which to express this community of interest and of sympathy. Science affords an international language just as commerce also affords a universal language, because in each instance there is a universal purpose, a universal general plan of action, and it is a pleasing thought to those who have had something to do with scholarship that scholars have had a great deal to do with sowing the seeds of friendship between nation and nation. Truth recognizes no national boundaries. Truth permits no racial prejudices; and when men come to know each other and to recognize equal intellectual strength and equal intellectual sincerity and a common intellectual purpose, some of the best foundations of friendship are already laid.

But, ladies and gentlemen, our thought cannot pause at the artificial boundaries of the fields of science and of commerce. All boundaries that divide life into sections and interests are artificial, because life is all of a piece. You cannot treat part of it without by implication and indirection treating all of it, and the field of science is not to be distinguished from the field of life any more than the field of commerce is to be distinguished from the general field of life. No one who reflects upon the progress of science or the spread of the arts of peace or the extension and perfection of any of the practical arts of life can fail to see that there is only one atmosphere that these things can breathe, and that is an atmosphere of mutual confidence and of peace and of ordered political life among the nations. Amidst war and revolution even the voice of science must for the most part be silent, and revolution tears up the very roots of everything that makes life go steadily forward and the light grow from generation to generation. For nothing stirs passion like political disturbance, and passion is the enemy of truth.

These things were realized with peculiar vividness and said with unusual eloquence in a recent conference held in this city for the purpose of considering the financial relations between the two continents

of America, because it was perceived that financiers can do nothing without the co-operation of governments, and that if merchants would deal with one another, laws must agree with one another—that you cannot make laws vary without making them contradict, and that amidst contradictory laws the easy flow of commercial intercourse is impossible, and that, therefore, a financial congress naturally led to all the inferences of politics. For politics I conceive to be nothing more than the science of the ordered progress of society along the lines of greatest usefulness and convenience to itself. I have never in my own mind admitted the distinction between the other departments of life and politics. Some people devote themselves so exclusively to politics that they forget there is any other part of life, and so soon as they do they become that thing which is described as a "mere politician." Statesmanship begins where these connections so unhappily lost are re-established. The statesman stands in the midst of life to interpret life in political action.

The conference to which I have referred marked the consciousness of the two Americas that economically they are very dependent upon one another, that they have a great deal that it is very desirable they should exchange and share with one another, that they have kept unnaturally and unfortunately separated and apart when they had a manifest and obvious community of interest; and the object of that conference was to ascertain the practical means by which the commercial and practical intercourse of the two continents could be quickened and facilitated. And where events move, statesmen, if they be not indifferent or be not asleep, must think and act.

For my own part, I congratulate myself upon living in a time when these things, always susceptible of intellectual demonstration, have begun to be very widely and universally appreciated, and when the statesmen of the two American continents have more and more come into candid, trustful, mutual conference, comparing views as to the practical and friendly way of helping one another and of setting forward every handsome enterprise on this side the Atlantic.

But these gentlemen have not conferred without realizing that back of all the material community of interest of which I have spoken there lies and must lie a community of political interest. I have been

told a very interesting fact—I hope it is true—that while this congress has been discussing science it has been, in spite of itself, led into the feeling that behind the science there was some inference with regard to politics, and that if the Americas were to be united in thought they must in some degree sympathetically be united in action. What these statesmen who have been conferring from month to month in Washington have come to realize is that back of the community of material interest there is a community of political interest.

I hope I can make clear to you in what sense I use those words. I do not mean a mere partnership in the things that are expedient. I mean what I was trying to indicate a few moments ago, that you cannot separate politics from these things, that you cannot have real intercourse of any kind amidst political jealousies, which is only another way of saying that you cannot commune unless you are friends, and that friendship is based upon your political relations with each other perhaps more than upon any other kind of relationships between nations. If nations are politically suspicious of one another, all their intercourse is embarrassed. That is the reason, I take it, if it be true, as I hope it is, that your thoughts even during this congress, though the questions you are called to consider are apparently so foreign to politics, have again and again been drawn back to the political inferences. The object of American statesmanship on the two continents is to see to it that American friendship is founded on a rock.

The Monroe doctrine was proclaimed by the United States on her own authority. It has always been maintained, and always will be maintained, upon her own responsibility. But the Monroe doctrine demanded merely that European Governments should not attempt to extend their political systems to this side of the Atlantic. It did not disclose the use which the United States intended to make of her power on this side of the Atlantic. It was a hand held up in warning, but there was no promise in it of what America was going to do with the implied and partial protectorate which she apparently was trying to set up on this side of the water, and I believe you will sustain me in the statement that it has been fears and suspicions on this score

which have hitherto prevented the greater intimacy and confidence and trust between the Americas. The states of America have not been certain what the United States would do with her power. That doubt must be removed. And latterly there has been a very frank interchange of views between the authorities in Washington and those who represented the other states of this hemisphere, an interchange of views charming and hopeful, because based upon an increasingly sure appreciation of the spirit in which they were undertaken. These gentlemen have seen that, if America is to come into her own, into her legitimate own, in a world of peace and order, she must establish the foundations of amity, so that no one will hereafter doubt them.

I hope and I believe that this can be accomplished. These conferences have enabled me to foresee how it will be accomplished. It will be accomplished, in the first place, by the states of America uniting in guaranteeing to each other absolute political independence and territorial integrity. In the second place, and as a necessary corollary to that, guaranteeing the agreement to settle all pending boundary disputes as soon as possible and by amicable process; by agreeing that all disputes among themselves, should they unhappily arise, will be handled by patient, impartial investigation and settled by arbitration; and the agreement necessary to the peace of the Americas, that no state of either continent will permit revolutionary expeditions against another state to be fitted out on its territory, and that they will prohibit the exportation of the munitions of war for the purpose of supplying revolutionists against neighboring Governments.

You see what our thought is, gentlemen, not only the international peace of America, but the domestic peace of America. If American states are constantly in ferment, if any of them are constantly in ferment, there will be a standing threat to their relations with one another. It is just as much to our interest to assist each other to the orderly processes within our own borders as it is to orderly processes in our controversies with one another. These are very practical suggestions, which have sprung up in the minds of thoughtful men, and I for my part believe that they are going to lead the way to

something that America has prayed for for many a generation. For they are based, in the first place, so far as the stronger states are concerned, upon the handsome principle of self-restraint and respect for the rights of everybody. They are based upon the principles of absolute political equality among the states, equality of right, not equality of indulgence. They are based, in short, upon the solid, eternal foundations of justice and humanity. No man can turn away from these things without turning away from the hope of the world. These are things, ladies and gentlemen, for which the world has hoped and waited with prayerful heart. God grant that it may be granted to America to lift this light on high for the illumination of the world.

10. Pan American Agreement Proposed by United States.

a. Outline of Subjects of Pending Negotiations among American States.

The newspapers of January 5, 1916, contained an announcement from Washington that the Department of State had already begun correspondence with Latin American Governments, proposing new agreements looking toward Pan American co-operation. Inquiry of the Department concerning the text of such proposals elicited this answer:

"There has never been a textual publication of the memorandum to which you refer, the only publication being the synopsis as given by the President in his speech before the Pan American Scientific Congress and as communicated by this Department to the press in the form of which you are already aware."

The communication given to the press was as follows:

1. The United States and all other nations of this hemisphere mutually agree to guarantee the territorial integrity of the countries of this hemisphere.

2. All the nations agree to maintain the republican form of government.

3. All bind themselves to submit to settlement by diplomacy, arbitration, or investigating commissions as provided for by the several treaties already ratified, disputes of all kinds, including boundary troubles, but not controversies affecting the independence of each.

4. General agreement whereby exportation of arms to any but the legally constituted governments of this hemisphere will be prohibited, and laws of neutrality adopted which will make it impossible for filibustering expeditions to threaten or carry on revolutions in neighboring republics.

11. Books recommended for Reading, Study and Reference.

Alvarez, Alejandro. Le Droit International Américain, son Fondement—sa Nature d'après l'Histoire Diplomatique des Etats du Nouveau Monde et leur Vie Politique et Economique. Paris, Pedone, 1910.

American Society of International Law, Proceedings of, at the seventh and eighth annual meetings, 1913, 1914. Secretary, James Brown Scott, 2 Jackson Place, Washington, D.C.

The proceedings at the seventh meeting were devoted to a consideration of the Panama Canal question in all its aspects, and the appendix contains the texts of all pertinent treaties and conventions. The eighth meeting was devoted to discussions of the Monroe doctrine.

Arias, Harmodio. The Panama Canal. A study in international law and diplomacy. London, P. S. King & Son, 1911.

A well-documented review of treaties and of principles underlying the neutralization of waterways. Published under the auspices of the London School of Economics and Political Science.

Barrett, John. The Pan American Union: Peace, Friendship, Commerce. Washington, Pan American Union, 1911.

The author is director-general of the Pan American Union.

Bell, Edward I. The Political Shame of Mexico. New York, McBride, Nast & Company, 1914.

The author was a newspaper editor and publisher in Mexico City, and had unusual opportunities to observe and judge the men prominent in Mexican affairs at the time of the overthrow of Diaz and during the ascendency of Madero.

Bigelow, John. American Policy. The Western Hemisphere in its Relation to the Eastern. New York, Charles Scribner's Sons, 1914.

A valuable study of the principles underlying the international policies of the United States.

Bingham, Hiram. The Monroe Doctrine: an Obsolete Shibboleth. New Haven, Yale University Press, 1913.

Brief critique of the Monroe doctrine, with statement of Latin-American objections to it.

Blakeslee, George Hubbard (Editor). Latin America. Clark University Addresses. New York, Stechert, 1914.

Interesting and useful discussions of Latin America from many points of view.

Bourgade, E. de La Dardye. Paraguay: the Land and the People, Natural Wealth and Commercial Capabilities. London and Liverpool, George Philip & Son, 1892.

A good handbook of information.

Calderón, F. García. Latin America: Its Rise and Progress. Translated from the author's "Les Democraties Latines de l'Amérique" (Paris, Flammarion, 1912), by Bernard Miall. London and Leipsic, T. Fisher Unwin, 1913.

A standard work of exceptional value, containing a philosophical study of origins by a Peruvian diplomat.

Capella y Pons, F. Monroïsme? Notes-Études sur la Politique Continentale Américaine à l'Égard de l'Europe. Paris, Larose, 1913.

A keenly critical study by a Uruguayan scholar.

Carranza, Arturo B. Digesto Constitucional Americano. Buenos Aires, Compañía Sud-Americana de Billetes de Banco, 1910. 2 vols. Second edition.

Contains the constitutions of the United States of America, the United States of Brazil, the United States of Venezuela, the United Mexican States, Argentine Republic, Colombia, Peru, Chile, Bolivia, Ecuador, Guatemala, Haiti, Cuba, El Salvador, Paraguay, Nicaragua, Honduras, Dominican Republic, Costa Rica, Panama, and Uruguay.

Centro América. Organo de publicidad de la Oficina internacional Centro-Americana. Ciudad de Guatemala, Sanchez & De Guise, 1909–

A quarterly magazine representing the interests of the Central American republics.

Dalton, Leonard V. Venezuela. London and Leipsic, T. Fisher Unwin, 1912.

A good handbook of information.

Decoud, José Segundo. Paraguay. Second edition, revised and enlarged, with a chapter on the native races by Dr. J. Hampden Porter. Washington, Government Printing Office, 1902.

Another excellent handbook.

Denis, Pierre. Brazil. London and Leipsic, T. Fisher Unwin, 1911.

An excellent handbook.

Diplomatic History of the Panama Canal. Correspondence relating to the negotiation and application of certain treaties on the subject of an interoceanic canal, and accompanying papers. Sen. Doc. No. 474, 63d Cong., 2d Sess. Washington, Government Printing Office, 1914. xii, 602 pp.

Contains, besides much additional matter, reprints of House Doc. No. 8, parts 1 and 2, 58th Cong., 1st Sess.; Sen. Doc. No. 51, 58th Cong., 2d Sess.; part of House Doc. No. 611, 57th Cong., 1st Sess.

Eder, Phanor James. Colombia. London and Leipsic, T. Fisher Unwin, 1913.

An excellent handbook, with a full bibliography.

Enock, C. Reginald. Mexico: its Ancient and Modern Civilization, History and Political Conditions, Topography and Natural Resources, Industries and General Development. London, T. Fisher Unwin; New York, Charles Scribner's Sons: 1909.

——, —— ——. Peru: its Former and Present Civilization, History and Existing Conditions, Topography and Natural Resources, Commerce and General Development. London and Leipsic, T. Fisher Unwin, 1912.

——, —— ——. Ecuador: its Ancient and Modern History, Topography and Natural Resources, Industries and Social Development. New York, Charles Scribner's Sons, 1914.

Three handbooks which serve well the purposes of the average inquirer.

Fish, Carl Russell. American Diplomacy. New York, Henry Holt & Company, 1915.

The best single volume on this subject.

Fried, Alfred Hermann. Pan Amerika, Entwickelung, Umfang und Bedeutung der pan-amerikanischer Bewegung (1810–1910). Berlin, Maritima, 1910.

Favors Pan American Union.

García-Merou, Martin. Historia de la Diplomacia Americana. Política Internacional de los Estados Unidos, 2 vols. Buenos Aires, Lajouane, 1904.

Covers period from 1775 to 1903. The author is a diplomat of the Argentine Repuhlic.

Goldsmith, Peter H. A Brief Bibliography of Books in English, Spanish and Portuguese Relating to the Republics Commonly Called Latin America, with Comments. New York, The Macmillan Company, 1915.

A critical estimate of each book is given.

Hardy, M. R. Paraguay. Charles Scribner's Sons, 1913.

An excellent handhook.

Hart, Albert Bushnell. The Monroe Doctrine: An Interpretation. Boston, Little, Brown & Company, 1916.

Up-to-date and complete, with a good hihliography.

Hirst, W. A. Argentina. London and Leipsic, T. Fisher Unwin, 1912.

An excellent handbook.

Kraus, Herbert. Die Monroedoktrin in ihren Beziehungen zur amerikanischen Diplomatie und zum Völkerrecht. Berlin, Guttentag, 1913.

Latané, John H. The Diplomatic Relations of the United States and Spanish America. Baltimore, The Johns Hopkins Press, 1900.

Half title: "The Alhert Shaw Lectures on Diplomatic History, 1899." Well-documented studies of the diplomatic history of the Spanish American revolt, of the Cuban difficulty, of the Central American canal, of the French intervention in Mexico, and the Monroe doctrine.

Léger, J. N. Haiti, her History and her Detractors. New York, The Neale Publishing Co., 1907.

The author was Haitian minister to the United States. This is the plea of an advocate, but worthy of study.

Malloy, William M. Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and other Powers (1776–1909). Washington, Government Printing Office, 1910. 2 vols.

This is Sen. Doc. No. 357, 61st Cong., 2d Sess.

Supplement, 1913. Compiled by Garfield Charles. Washington, Government Printing Office, 1913.

Sen. Doc. No. 1063, 62d Cong., 3rd Sess. Comes down to March 4, 1913.

Markham, Clements R. A History of Peru. Chicago, Charles H. Sergel & Co., 1892.

Reliable and well-written.

Moore, John Bassett. American Diplomacy, Its Spirit and Achievements. New York, Harper, 1905.

A thoughtful, suggestive discussion.

——, —— ——. Digest of International Law as Embodied . . . especially in Documents . . . of the United States. Washington, Government Printing Office, 1906. 8 vols.

This is House Doc. No. 551, 56th Cong., 2d Sess.

Moore, John Bassett. History and Digest of the International Arbitrations to which the United States has been a Party, together with Appendices containing the Treaties relating to such Arbitrations, and Historical and Legal Notes on other International Arbitrations Ancient and Modern, and on the Domestic Commissions of the United States for the Adjustment of International Claims. Washington, Government Printing Office, 1898. 6 vols.

This is House Mis. Doc. No. 212, 53rd Cong., 2d Sess.; also published separately.

Pan American Union, John Barrett, Director-General, 17th and B Streets N.W., Washington, D.C., publishes a monthly Bulletin, illustrated, and containing all kinds of information about both the Americas, and especially concerning Pan American affairs.

Paxon, Frederic Logan. The Independence of the South American Republics: A Study in Recognition and Foreign Policy. Philadelphia, Ferris & Leach, 1903.

A thoughtful, scholarly review of international relations.

Pepper, Charles M. Panama to Patagonia. The Isthmian Canal and the West Coast Countries of South America. New York, Young People's Missionary Movement of the United States and Canada, 1906.

Industrial, fiscal and political information with special reference to the effects of the Panama canal on the countries of western South America.

Pérez Triana, Santiago. La Doctrina Drago, con una Advertencia Preliminar, y una Introducción de W. T. Stead. London, Werthemier, Lea y Cia . . .

Chiefly a collection of documents.

Petre, F. Loraine. Simon Bolivar, "El libertador." A life of the chief leader in the revolt against Spain in Venezuela, New Granada and Peru. London and New York, John Lane Company, 1910.

A standard biography of Bolivar.

Reddaway, William Fiddian. The Monroe Doctrine. Cambridge, University Press, 1898.

An acute study by an English authority.

Redway, James. Guiana, British, French and Dutch. New York, Charles Scribner's Sons, 1913.

An excellent handbook.

Rives, George Lockhart. The United States and Mexico, 1821–1848. A history of the relations between the two countries from the independence of Mexico to the close of the war with the United States, in 2 vols. New York, Charles Scribner's Sons, 1913.

The best history of the Mexican war and its origins.

Robertson, William Spence. The Beginnings of Spanish-American Diplomacy. New York, Henry Holt & Co., 1910.

Contained in a volume of "Essays in American History," dedicated to Prof. F. J. Turner. The last two essays are on Latin-American subjects.

Robinson, Albert G. Cuba and the Intervention. New York, London and Bombay, Longmans, Green & Company, 1905.

Rodriguez, José Ignacio. American Constitutions. A Compilation of the Political Constitutions of the Independent Nations of the New World, with Short Historical Notes and Various Appendixes. Washington, Government Printing Office, 1906, 1907. 2 vols.

Half title: "International Bureau of American Repuhlics." Contains the constitutions in the original languages with English translations. An indispensahle work for the student.

Shepherd, William R. Latin America. New York, Henry Holt & Co.; London, Williams & Norgate, 1914.

An excellent handbook, which is particularly just to the Latin-American points of view.

Starr, Frederick. In Indian Mexico. A narrative of travel and labor. Chicago, Forbes & Co., 1908.

Life and customs among the Indians of southern Mexico.

Terry, T. Philip. Terry's Mexico. Handbook for Travelers. Boston, Houghton Mifflin Co., 1909.

Good for the reader as well as the traveler.

Torres Caicedo, José Maria. Unión Latino-Americana, pensamiento de Bolivár para formar una Liga Americana; su Origen y sus Desarollos. Paris, Rosa y Bouret, 1865.

A discussion of English and American diplomacy with reference to Latin America, and of the struggles of the Latin-American colonies toward confederation and union—hy a distinguished historian and diplomat of Venezuela.

Unstead, J. F., and Taylor, E. G. R. Philips' comparative wall atlas of South America. Edited by J. F. Unstead, M.A., D.Sc., and E. G. R. Taylor, B.Sc. London, George Philip & Son, Ltd., the London geographical institute; New York, C. S. Hammond & Company. 8 maps, 36 x 40 inches, approximately 150 miles to the inch.

It supplies a complete outline of the geography of South America, each map exhibiting a different aspect, as follows: relief and communications, political divisions, temperature, climate, November to April, climate, May to Octoher.

WORLD PEACE FOUNDATION

PAMPHLET SERIES

AMERICA AND THE EUROPEAN WAR. By NORMAN ANGELL
AMERICAN LEADERSHIP FOR PEACE AND ARBITRATION. By CARL SCHURZ
ANGLO-AMERICAN AGREEMENT OF 1817. By CHARLES H. LEVERMORE
COMMISSION OF INQUIRY: THE WILSON-BRYAN PEACE PLAN. By DENYS P. MYERS
CONCERNING SEA POWER. By DAVID STARR JORDAN
CONFERENCE OF NEUTRAL STATES
DRAIN OF ARMAMENTS. By ARTHUR W. ALLEN
DREADNOUGHTS AND DIVIDENDS. EXPOSURE OF THE ARMAMENTS RING. By PHILIP SNOWDEN, M.P.
FORCES THAT MAKE FOR PEACE. By Hon. WILLIAM J. BRYAN
FORCES WARRING AGAINST WAR. By HAVELOCK ELLIS
FOUNDATIONS OF A LEAGUE OF PEACE. By G. LOWES DICKINSON
IMMUNITY OF PRIVATE PROPERTY AT SEA. By JOSEPH H. CHOATE
INSTRUCTIONS TO THE AMERICAN DELEGATES TO THE HAGUE CONFERENCES, 1899 and 1907. By JOHN HAY and ELIHU ROOT
MISSION OF THE UNITED STATES IN THE CAUSE OF PEACE. By DAVID J. BREWER
OFFICIAL DOCUMENTS CONCERNING NEUTRAL AND BELLIGERENT RIGHTS ISSUED SINCE AUGUST 4, 1914. Separate pamphlets with individual titles as follows:

- NEUTRALITY PROCLAIMED AND EXPLAINED; APPENDIX, THE DECLARATION OF LONDON.
- WAR ZONES.
- WAR ZONES (CONTINUED), INTERFERENCE WITH AMERICAN TRADE WITH NEUTRALS.
- FOODSTUFFS CARGO OF THE "WILHELMINA" IN BRITISH PRIZE COURT, GERMAN AND AUSTRIAN ATTITUDE TOWARD AMERICAN TRADE, SINKING OF THE "WILLIAM P. FRYE."
- SINKING OF THE "LUSITANIA," AND ATTACKS ON THE "FALABA," "GULFLIGHT," "CUSHING," AND "NEBRASKAN."

ORGANIZING THE PEACE WORK. By EDWIN GINN
OUTLINE OF LESSONS ON WAR AND PEACE. By LUCIA AMES MEAD
PANAMA CANAL TOLLS: THE OBLIGATIONS OF THE UNITED STATES. By Hon. ELIHU ROOT
PANAMA CANAL TOLLS, OUR DUTY CONCERNING. By THOMAS RAEBURN WHITE and CHARLEMAGNE TOWER
RIGHT AND WRONG OF THE MONROE DOCTRINE. By CHARLES F. DOLE
SOME SUPPOSED JUST CAUSES OF WAR. By JACKSON H. RALSTON
SUGGESTIONS FOR LECTURES ON INTERNATIONAL RELATIONS. By CHARLES H. LEVERMORE
SYNDICATES FOR WAR. London Correspondence of the New York *Evening Post*
UNITED STATES OF EUROPE. By VICTOR HUGO
WAR NOT INEVITABLE. By Hon. JOHN W. FOSTER
WASHINGTON, JEFFERSON AND FRANKLIN ON WAR. By EDWIN D. MEAD
WASTE OF MILITARISM. From the report of the Massachusetts Commission on the Cost of Living, 1910
WOMAN AND WAR. By EDWIN D. MEAD
WORLD PEACE FOUNDATION: WORK IN 1914

Single copies free. Price in quantities on application

Volume title-pages for binding furnished on request

WORLD PEACE FOUNDATION

40 Mt. Vernon Street Boston, Mass.

INTERNATIONAL LIBRARY

Edited by EDWIN D. MEAD

PUBLISHED BY THE WORLD PEACE FOUNDATION

CLOTH BOUND

ADDRESSES ON WAR. By CHARLES SUMNER. 8vo, xxvii+321 pages. Postpaid $0.60

AMERICAN ADDRESSES AT THE SECOND HAGUE CONFERENCE. Edited by JAMES BROWN SCOTT. 8vo, xlviii+217 pages. Postpaid . . . 1.65

DISCOURSES ON WAR. By WILLIAM ELLERY CHANNING. 8vo, lxi+229 pages. Postpaid 60

ETERNAL PEACE AND OTHER INTERNATIONAL ESSAYS. By IMMANUEL KANT. 8vo, xxiv+179 pages 75

ETHICS OF FORCE. By H. E. WARNER. 8vo, v+126 pages. Postpaid, .55

FIRST BOOK OF WORLD LAW. By RAYMOND L. BRIDGMAN. 8vo, v+308 pages. Postpaid 1.65

FIRST HAGUE CONFERENCE. By ANDREW D. WHITE. 8vo, vi+125 pages. Postpaid 55

FISHERIES ARBITRATION ARGUMENT OF ELIHU ROOT. Edited, with Introduction and Appendix, by JAMES BROWN SCOTT. 8vo, cli+523 pages. Postpaid 3.50

FUTURE OF WAR. By JEAN DE BLOCH. 8vo, lxxix+380 pages. Postpaid, .65

GREAT DESIGN OF HENRY IV. With Introduction by EDWIN D. MEAD. 8vo, xxi+91 pages. Postpaid 55

INTERNATIONAL ARBITRAL LAW AND PROCEDURE. By JACKSON H. RALSTON. 8vo, xix+352 pages. Postpaid 2.20

INTER-RACIAL PROBLEMS. Papers communicated to the First Universal Races Congress, London, July 26–29, 1911. Edited by G. SPILLER. Quarto, xvi+485 pages. Postpaid 2.40

MOHONK ADDRESSES. By EDWARD EVERETT HALE and DAVID J. BREWER. 8vo, xxviii+150 pages. Postpaid 1.00

MORAL DAMAGE OF WAR. By WALTER WALSH. 8vo, xiii+462 pages. Postpaid 90

NEW PEACE MOVEMENT. By WILLIAM I. HULL. 8vo, xi+217 pages. Postpaid 1.00

PRIZE ORATIONS OF THE INTERCOLLEGIATE PEACE ASSOCIATION. Edited, with introduction by STEPHEN F. WESTON. 8vo, xiii+185 pages. Postpaid 75

PUBLIC INTERNATIONAL UNIONS. By PAUL S. REINSCH. 8vo, viii+189 pages. Postpaid 1.65

SIR RANDAL CREMER. By HOWARD EVANS. 8vo, 356 pages. Postpaid, 1.40

TEXTS OF THE PEACE CONFERENCES AT THE HAGUE, 1899 and 1907. Edited by JAMES BROWN SCOTT. 8vo. xxxiv+447 pages. Postpaid . . . 2.20

TWO HAGUE CONFERENCES. By WILLIAM I. HULL. 8vo, xiv+516 pages. Postpaid 1.65

WAR INCONSISTENT WITH THE RELIGION OF JESUS CHRIST. By DAVID LOW DODGE. 8vo, xxiv+168 pages. Postpaid 60

WORLD ORGANIZATION. By RAYMOND L. BRIDGMAN. 8vo, vi+172 pages. Postpaid 60

PAPER BOUND

BETHINK YOURSELVES! By LEO TOLSTOI. 6½ x 4½ in., 50 pages. Postpaid . . $0.10

BLOOD OF THE NATION. By DAVID STARR JORDAN. 6¾ x 4¾ in., 82 pages. Postpaid 15

THE COMING PEOPLE. By CHARLES F. DOLE. 4 x 6½ in., xii+224 pages. Seventh edition, with chapter on "The Coming World Order." Postpaid 35

DUEL BETWEEN FRANCE AND GERMANY. By CHARLES SUMNER. 7½ x 5¼ in., 76 pages. Postpaid 20

KING'S EASTER. By HARRIET PRESCOTT SPOFFORD. 7½ x 5 in., 16 pages. Postpaid, .10

LEAGUE OF PEACE, A. By ANDREW CARNEGIE. 6½ x 4½ in., 47 pages. Postpaid, .10

PATRIOTISM AND THE NEW INTERNATIONALISM. By LUCIA AMES MEAD. 6¾ x 4¾ in., 125 pages. Postpaid 20

SYLLABUS OF LECTURES ON INTERNATIONAL CONCILIATION. By DAVID STARR JORDAN and EDWARD B. KREHBIEL. 9¼ x 5¾ in., 180 pages. Postpaid . . .75

TRUE GRANDEUR OF NATIONS. By CHARLES SUMNER. 7½ x 5¼ in., 132 pages. Postpaid 20

WAR SYSTEM OF THE COMMONWEALTH OF NATIONS. By CHARLES SUMNER. 7½ x 5¼ in., 107 pages. Postpaid 20

WHAT SHALL WE SAY? By DAVID STARR JORDAN. 9¼ x 6 in., 82 pages. Postpaid, .35

World Peace Foundation

Pamphlet Series

THE OUTLOOK FOR INTERNATIONAL LAW

WITH LETTER COMMENDING THE

League to Enforce Peace

BY

ELIHU ROOT

PUBLISHED BIMONTHLY BY THE

WORLD PEACE FOUNDATION

40 MT. VERNON STREET, BOSTON

June, 1916

Vol. VI. No. 3.

Entered as second-class matter January 15, 1913, at the post-office at Boston, Mass., under the Act of August 24, 1912

WORLD PEACE FOUNDATION

PAMPHLET SERIES

AMERICA AND THE EUROPEAN WAR. By Norman Angell
AMERICAN LEADERSHIP FOR PEACE AND ARBITRATION. By Carl Schurz
ANGLO-AMERICAN AGREEMENT OF 1817. By Charles H. Levermore
COMMISSION OF INQUIRY: THE WILSON-BRYAN PEACE PLAN. By Denys P. Myers
CONCERNING SEA POWER. By David Starr Jordan
CONFERENCE OF NEUTRAL STATES
DRAIN OF ARMAMENTS. By Arthur W. Allen
DREADNOUGHTS AND DIVIDENDS. EXPOSURE OF THE ARMAMENTS RING. By Philip Snowden, M.P.
FORCES THAT MAKE FOR PEACE. By Hon. William J. Bryan
FORCES WARRING AGAINST WAR. By Havelock Ellis
FOUNDATIONS OF A LEAGUE OF PEACE. By G. Lowes Dickinson
IMMUNITY OF PRIVATE PROPERTY AT SEA. By Joseph H. Choate
INSTRUCTIONS TO THE AMERICAN DELEGATES TO THE HAGUE CONFERENCES, 1899 and 1907. By John Hay and Elihu Root
MISSION OF THE UNITED STATES IN THE CAUSE OF PEACE. By David J. Brewer
OFFICIAL DOCUMENTS CONCERNING NEUTRAL AND BELLIGERENT RIGHTS ISSUED SINCE AUGUST 4, 1914. Separate pamphlets with individual titles as follows:
- Neutrality Proclaimed and Explained; Appendix, The Declaration of London.
- War Zones.
- War Zones (continued), Interference with American Trade with Neutrals.
- Foodstuffs Cargo of the "Wilhelmina" in British Prize Court, German and Austrian Attitude toward American Trade, Sinking of the "William P. Frye."
- Sinking of the "Lusitania," and Attacks on the "Falaba," "Gulflight," "Cushing," and "Nebraskan."

ORGANIZING THE PEACE WORK. By Edwin Ginn
OUTLINE OF LESSONS ON WAR AND PEACE. By Lucia Ames Mead
PANAMA CANAL TOLLS: THE OBLIGATIONS OF THE UNITED STATES. By Hon. Elihu Root
PANAMA CANAL TOLLS, OUR DUTY CONCERNING. By Thomas Raeburn White and Charlemagne Tower
RIGHT AND WRONG OF THE MONROE DOCTRINE. By Charles F. Dole
SOME SUPPOSED JUST CAUSES OF WAR. By Jackson H. Ralston
SUGGESTIONS FOR LECTURES ON INTERNATIONAL RELATIONS. By Charles H. Levermore
SYNDICATES FOR WAR. London Correspondence of the New York *Evening Post*
UNITED STATES OF EUROPE. By Victor Hugo
WAR NOT INEVITABLE. By Hon. John W. Foster
WASHINGTON, JEFFERSON AND FRANKLIN ON WAR. By Edwin D. Mead
WASTE OF MILITARISM. From the report of the Massachusetts Commission on the Cost of Living, 1910
WOMAN AND WAR. By Edwin D. Mead
WORLD PEACE FOUNDATION: WORK IN 1914

Single copies free. Price in quantities on application

Volume title-pages for binding furnished on request

WORLD PEACE FOUNDATION

40 Mt. Vernon Street Boston, Mass.

31 NASSAU STREET,
NEW YORK

February 10, 1916.

My dear Mr. Lowell:

I heartily agree with the purpose and general principle of the League to Enforce Peace. It seems clear to me that if we are ever to get away from the necessity for great armaments and special alliances, with continually recurring wars, growing more and more destructive, it must be by a more systematic treatment of international disputes brought about by common agreement among civilized nations. It seems to me that any such system must include the better formulation of international law, the establishment of an international court to apply the law, and a general agreement to enforce submission to the jurisdiction of the court. I also think the Court of Conciliation for dealing with questions which are not justiciable is very desirable. As to some parts of your proposals which go into details of method, however, I cannot agree. They probably are not necessary to the principle for which you are seeking public support, and for the establishment of that principle you have my sincere sympathy and good wishes.

With kind regards, I am,

Very sincerely yours,
Elihu Root

Dr. A. Lawrence Lowell,
Harvard University,
Cambridge, Mass.

PROPOSALS OF THE LEAGUE TO ENFORCE PEACE

We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

First: All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Second: All other questions arising between the signatories and not settled by negotiation, shall be submitted to a council of conciliation for hearing, consideration and recommendation.

Third: The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.

Fourth: Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the Judicial Tribunal mentioned in Article One.

THE OUTLOOK FOR INTERNATIONAL LAW

Opening Address by Elihu Root as President of the American Society of International Law at the Ninth Annual Meeting in Washington, December 28, 1915.

Gentlemen of the Society:

The incidents of the great war now raging affect so seriously the very foundations of international law that there is for the moment but little satisfaction to the student of that science in discussing specific rules. Whether or not Sir Edward Carson went too far in his recent assertion that the law of nations has been destroyed, it is manifest that the structure has been rudely shaken. The barriers that statesmen and jurists have been constructing laboriously for three centuries to limit and direct the conduct of nations toward each other, in conformity to the standards of modern civilization, have proved too weak to confine the tremendous forces liberated by a conflict which involves almost the whole military power of the world and in which the destinies of nearly every civilized state outside the American continents are directly at stake.

The war began by a denial on the part of a very great power that treaties are obligatory when it is no longer for the interest of either of the parties to observe them. The denial was followed by action supported by approximately one-half the military power of Europe and is apparently approved by a great number of learned students and teachers of international law, citizens of the countries supporting the view. This position is not an application of the doctrine *sic stantibus rebus* which justifies the termination of a treaty under circumstances not contemplated when the treaty was made so that it is no longer justly applicable to existing conditions. It is that under the very circumstances contemplated by the treaty and under the conditions for which the treaty was intended to provide the treaty is not obligatory as against the interest of the contracting party.

This situation naturally raises the question whether executory

treaties will continue to be made if they are not to be binding, and requires consideration of a system of law under which no conventional obligations are recognized. The particular treaty which was thus set aside was declaratory of the general rule of international law respecting the inviolability of neutral territory; and the action which ignored the treaty also avowedly violated the rule of law; and the defense is that for such a violation of the law the present interest of a sovereign state is justification. It is plain that the application of such a principle to a matter of major importance at the beginning of a long conflict must inevitably be followed by the setting aside of other rules as they are found to interfere with interest or convenience; and that has been the case during the present war. Many of the rules of law which the world has regarded as most firmly established have been completely and continuously disregarded, in the conduct of war, in dealing with the property and lives of civilian noncombatants on land and sea and in the treatment of neutrals. Alleged violations by one belligerent have been asserted to justify other violations by other belligerents. The art of war has been developed through the invention of new instruments of destruction and it is asserted that the changes of conditions thus produced make the old rules obsolete. It is not my purpose at this time to discuss the right or wrong of these declarations and actions. Such a discussion would be quite inadmissible on the part of the presiding officer of this meeting. I am stating things which whether right or wrong have unquestionably happened, as bearing upon the branch of jurisprudence to which this Society is devoted. It seems that if the violation of law justifies other violations, then the law is destroyed and there is no law; that if the discovery of new ways of doing a thing prohibited justifies the doing of it, then there is no law to prohibit. The basis of such assertions really is the view that if a substantial belligerent interest for the injury of the enemy come in conflict with a rule of law, the rule must stand aside and the interest must prevail. If that be so it is not difficult to reach the conclusion that for the present at all events in all matters which affect the existing struggle, international law is greatly impaired. Nor can we find much encouragement to believe in the binding force of any rules upon nations which observe other rules only so far as their interest at the time

prompts them. Conditions are always changing and a system of rules which cease to bind whenever conditions change should hardly be considered a system of law. It does not follow that nations can no longer discuss questions of right in their diplomatic intercourse, but upon such a basis it seems quite useless to appeal to the authority of rules already agreed upon as just and right and their compelling effect because they have been already agreed upon.

When we recall Mansfield's familiar description of international law as "founded upon justice, equity, convenience, the reason of the thing, and confirmed by long usage," we may well ask ourselves whether that general acceptance which is necessary to the establishment of a rule of international law may be withdrawn by one or several nations and the rule be destroyed by that withdrawal so that the usage ceases and the whole subject to which it relates goes back to its original status as matter for new discussion as to what is just, equitable, convenient and reasonable.

When this war is ended, as it must be some time, and the foreign offices and judicial tribunals and publicists of the world resume the peaceable discussion of international rights and duties, they will certainly have to consider not merely what there is left of certain specific rules, but also the fundamental basis of obligation upon which all rules depend. The civilized world will have to determine whether what we call international law is to be continued as a mere code of etiquette or is to be a real body of laws imposing obligations much more definite and inevitable than they have been heretofore. It must be one thing or the other. Although foreign offices can still discuss what is fair and just and what is expedient and wise, they cannot appeal to law for the decision of disputed questions unless the appeal rests upon an obligation to obey the law. What course will the nations follow?

Vague and uncertain as the future must be, there is some reason to think that after the terrible experience through which civilization is passing there will be a tendency to strengthen rather than abandon the law of nations. Whatever the result may be, the world will have received a dreadful lesson of the evils of war. The sacrifice of millions of lives, millions homeless and in poverty, industry and commerce destroyed, overwhelming national debts,—all will naturally

produce a strong desire to do something that will prevent the same thing happening again.

While the war has exhibited the inadequacy of international law, so far as it has yet developed, to curb those governmental policies which aim to extend power at all costs, it has shown even more clearly that little reliance can be placed upon unrestrained human nature, subject to specific temptation, to commit forcible aggression in the pursuit of power and wealth. It has shown that where questions of conduct are to be determined under no constraint except the circumstances of the particular case the acquired habits of civilization are weak as against the powerful, innate tendencies which survive from the countless centuries of man's struggle for existence against brutes and savage foes. The only means yet discovered by man to limit those tendencies consist in the establishment of law, the setting up of principles of action and definite rules of conduct which cannot be violated by the individual without injury to himself. That is the method by which the wrongs naturally flowing from individual impulse within the state have been confined to narrow limits. That analogy, difficult as it is to maintain in view of the differences between the individual who is subject to sovereignty and the nation which is itself sovereign, indicates the only method to which human experience points to avoid repeating the present experience of these years of war consistently with the independence of nations and the liberty of individuals. The Pax Romana was effective only because the world was subject to Rome. The Christian Church has been urging peace and good-will among men for nineteen centuries, and still there is this war. Concerts of Europe and alliances and ententes and skillful balances of power all lead ultimately to war. Conciliation, good-will, love of peace, human sympathy, are ineffective without institutions through which they can act. Only the possibility of establishing real restraint by law seems to remain to give effect to the undoubted will of the vast majority of mankind.

In the effort to arrange the affairs of the world so that they will not lead to another great catastrophe men will therefore turn naturally toward the re-establishment and strengthening of the law of nations. How can that be done? How can the restraints of law be made more effective upon nations?

It is not difficult to suggest some things which will tend in that direction.

Laws to be obeyed must have sanctions behind them; that is to say, violations of them must be followed by punishment. That punishment must be caused by power superior to the law breaker; it cannot consist merely in the possibility of being defeated in a conflict with an enemy; otherwise there would be no law as between the strong and the weak. Many states have grown so great that there is no power capable of imposing punishment upon them except the power of collective civilization outside of the offending state. Any exercise of that power must be based upon public opinion. It cannot rest merely upon written agreements or upon the accidental dictates of particular interests. It must proceed from general, concurrent judgment and condemnation. When that exists punishment may be inflicted either by the direct action of governments, forcible or otherwise, or by the terrible consequences which come upon a nation that finds itself without respect or honor in the world and deprived of the confidence and good-will necessary to the maintenance of intercourse. Without such an opinion behind it no punishment of any kind can be imposed for the violation of international law.

For the formation of such a general opinion, however, questions of national conduct must be reduced to simple and definite form. Occasionally there is an act the character of which is so clear that mankind forms a judgment upon it readily and promptly, but in most cases it is easy for the wrongdoer to becloud the issue by assertion and argument and to raise a complicated and obscure controversy which confuses the judgment of the world. There is but one way to make general judgment possible in such cases. That is by bringing them to the decision of a competent court which will strip away the irrelevant, reject the false, and declare what the law requires or prohibits in the particular case. Such a court of international justice with a general obligation to submit all justiciable questions to its jurisdiction and to abide by its judgment is a primary requisite to any real restraint of law.

When we come to consider the working of an international court, however, we are forced to realize that the law itself is in many respects

imperfect and uncertain. There is no legislature to make laws for nations. There is no body of judicial decisions having the effect of precedent to declare what international laws are. The process of making international law by usage and general acceptance has been necessarily so slow that it has not kept pace with the multiplying questions arising in the increasing intercourse of nations. In many fields of most fruitful controversy different nations hold tenaciously to different rules, as, for recent example, upon the right of expatriation, upon the doctrine of continuous voyages, upon the right to transfer merchant vessels after the outbreak of a war. Yet any attempt to maintain a court of international justice must fail unless there are laws for the court to administer. Without them the so-called court would be merely a group of men seeking to impose their personal opinions upon the states coming before them. The lack of an adequate system of law to be applied has been the chief obstacle to the development of a system of judicial settlement of international disputes. This is well illustrated by the history of the Second Hague Conference treaty for an international prize court. The Conference agreed to establish such a court and provided in article 7 of the treaty that in the absence of special treaty provisions governing the case presented "the Court shall apply the rules of international law. If no generally recognized rule exists the Court shall give judgment in accordance with the general principles of justice and equity." When the question of ratifying this treaty was presented to the powers whose delegates had signed it some of them awoke to the fact that upon many subjects most certain to call for the action of a court there was no general agreement as to what the rules of international law were, and that different nations had different ideas as to what justice and equity would require and that each judge would naturally follow the views of his own country. Accordingly the Conference of London was called, and met in December, 1908. In that Conference the delegates of the principal maritime powers came to agreement upon a series of questions and they embodied their agreement in the 71 articles of the Declaration of London. If that Declaration had been ratified by all the Powers in the Conference it would doubtless have been accepted as a statement of the international law upon the subjects

covered. But it was not ratified, and so the Prize Court treaty remains ineffective because the necessary basis for the action of the Court is wanting. It is plain that in order to have real courts by which the legal rights of nations can be determined and the conduct of nations can be subjected to definite tests there must be a settlement by agreement of old disputes as to what the law ought to be and provision for extending the law over fields which it does not now cover. One thing especially should be done in this direction. Law cannot control national policy, and it is through the working of long-continued and persistent national policies that the present war has come. Against such policies all attempts at conciliation and good understanding and good-will among the nations of Europe have been powerless. But law, if enforced, can control the external steps by which a nation seeks to follow a policy and rules may be so framed that a policy of aggression cannot be worked out except through open violations of law which will meet the protest and condemnation of the world at large, backed by whatever means shall have been devised for law enforcement.

There is another weakness of international law as a binding force which it appears to me can be avoided only by a radical change in the attitude of nations toward violations of the law.

We are all familiar with the distinction in the municipal law of all civilized countries between private and public rights and the remedies for the protection or enforcement of them. Ordinary injuries and breaches of contract are redressed only at the instance of the injured person, and other persons are not deemed entitled to interfere. It is no concern of theirs. On the other hand, certain flagrant wrongs the prevalence of which would threaten the order and security of the community are deemed to be everybody's business. If, for example, a man be robbed or assaulted the injury is deemed not to be done to him alone but to every member of the state by the breaking of the law against robbery or against violence. Every citizen is deemed to be injured by the breach of the law because the law is his protection and if the law be violated with impunity his protection will disappear. Accordingly, the government, which represents all its citizens, undertakes to punish such action even though the particular person against whom the injury was done may be content to go without redress.

Up to this time breaches of international law have been treated as we treat wrongs under civil procedure, as if they concerned nobody except the particular nation upon which the injury was inflicted and the nation inflicting it. There has been no general recognition of the right of other nations to object. There has been much international discussion of what the rules of law ought to be and the importance of observing them in the abstract, and there have been frequent interferences by third parties as a matter of policy upon the ground that specific, consequential injury to them might result from the breach, but, in general, states not directly affected by the particular injury complained of have not been deemed to have any right to be heard about it. It is only as disinterested mediators in the quarrels of others or as rendering good offices to others that they have been accustomed to speak, if at all. Until the First Hague Conference that form of interference was upon sufferance. In the Convention for the Pacific Settlement of International Disputes, concluded at that Conference, it was agreed that in case of serious trouble or conflict before an appeal to arms the signatory powers should have recourse to the good offices or mediation of foreign powers, and article 3 also provided: "Independent of this recourse the signatory powers recommend that one or more powers strangers to the dispute should on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the states at variance. Powers strangers to the dispute have a right to offer good offices or mediation even during the course of hostilities. The exercise of this right can never be regarded by one or other of the parties in conflict as an unfriendly act." These provisions are a considerable step toward a change in the theory of the relation of third powers to an international controversy. They recognize such an independent interest in the prevention of conflict as to be the basis of a right of initiative of other powers in an effort to bring about a settlement. It still remains under these provisions, however, that the other powers assert no substantive right of their own. They are simply authorized to propose an interference in the quarrels of others to which they are deemed to be strangers. The enforcement of the rules of international law is thus left to the private initiative of the country appealing to those rules for protection and the rest of the world has in theory

and in practice no concern with the enforcement or nonenforcement of the rules.

If the law of nations is to be binding, if the decisions of tribunals charged with the application of that law to international controversies are to be respected, there must be a change in theory, and violations of the law of such a character as to threaten the peace and order of the community of nations must be deemed to be a violation of the right of every civilized nation to have the law maintained and a legal injury to every nation. When a controversy arises between two nations other nations are indeed strangers to the dispute as to what the law requires in that controversy, but they cannot really be strangers to a dispute as to whether the law which is applicable to the circumstances shall be observed or violated. Next to the preservation of national character the most valuable possession of all peaceable nations great and small is the protection of those laws which constrain other nations to conduct based upon principles of justice and humanity. Without that protection there is no safety for the small state except in the shifting currents of policy among its great neighbors, and none for a great state, however peaceable and just may be its disposition, except in readiness for war. International laws violated with impunity must soon cease to exist and every state has a direct interest in preventing those violations which if permitted to continue would destroy the law. Wherever in the world the laws which should protect the independence of nations, the inviolability of their territory, the lives and property of their citizens, are violated, all other nations have a right to protest against the breaking down of the law. Such a protest would not be an interference in the quarrels of others. It would be an assertion of the protesting nation's own right against the injury done to it by the destruction of the law upon which it relies for its peace and security. What would follow such a protest must in each case depend upon the protesting nation's own judgment as to policy, upon the feeling of its people and the wisdom of its governing body. Whatever it does, if it does anything, will be done not as a stranger to a dispute or as an intermediary in the affairs of others, but in its own right for the protection of its own interest. Upon no other theory than this can the decisions of any court for the application of the law of nations be respected, or any

league or concert or agreement among nations for the enforcement of peace by arms or otherwise be established, or any general opinion of mankind for the maintenance of law be effective.

Can any of these things be done? Can the law be strengthened and made effective? Imperfect and conflicting as is the information upon which conjecture must be based, I think there is ground for hope that from the horrors of violated law a stronger law may come. It was during the appalling crimes of the Thirty Years' War that Grotius wrote his "De Jure Belli ac Pacis" and the science of international law first took form and authority. The moral standards of the Thirty Years' War have returned again to Europe with the same dreadful and intolerable consequences. We may hope that there will be again a great new departure to escape destruction by subjecting the nations to the rule of law. The development and extension of international law has been obstructed by a multitude of jealousies and supposed interests of nations each refusing to consent to any rule unless it be made most favorable to itself in all possible future contingencies. The desire to have a law has not been strong enough to overcome the determination of each nation to have the law suited to its own special circumstances; but when this war is over the desire to have some law in order to prevent so far as possible a recurrence of the same dreadful experience may sweep away all these reluctances and schemes for advantage and lead to agreement where agreement has never yet been possible. It often happens that small differences and petty controversies are swept away by a great disaster, deep feeling, and a sense of common danger. If this be so we can have an adequate law and a real court which will apply its principles to serious as well as petty controversies, and a real public opinion of the world responding to the duty of preserving the law inviolate. If there be such an opinion it will be enforced. I shall not now inquire into the specific means of enforcement, but the means can be found. It is only when opinion is uncertain and divided or when it is sluggish and indifferent and acts too late that it fails of effect. During all the desperate struggles and emergencies of the great war the conflicting nations from the beginning have been competing for the favorable judgment of the rest of the world with a solicitude which shows what a mighty power even now that opinion is.

Nor can we doubt that this will be a different world when peace comes. Universal mourning for the untimely dead, suffering and sacrifice, the triumph of patriotism over selfishness, the long dominance of deep and serious feeling, the purifying influences of self-devotion will surely have changed the hearts of the nations, and much that is wise and noble and for the good of humanity may be possible that never was possible before.

Some of us believe that the hope of the world's progress lies in the spread and perfection of democratic self-government. It may be that out of the rack and welter of the great conflict may arise a general consciousness that it is the people who are to be considered, their rights and liberties to govern and be governed for themselves rather than rulers' ambitions and policies of aggrandizement. If that be so our hopes will be realized, for autocracy can protect itself by arbitrary power but the people can protect themselves only by the rule of law.

INTERNATIONAL LIBRARY

Edited by EDWIN D. MEAD

PUBLISHED BY THE WORLD PEACE FOUNDATION

CLOTH BOUND

ADDRESSES ON WAR. By CHARLES SUMNER. 8vo, xxvii+321 pages. Postpaid $0.60

AMERICAN ADDRESSES AT THE SECOND HAGUE CONFERENCE. Edited by JAMES BROWN SCOTT. 8vo, xlviii+217 pages. Postpaid . . . 1.65

DISCOURSES ON WAR. By WILLIAM ELLERY CHANNING. 8vo, lxi+229 pages. Postpaid 60

ETERNAL PEACE AND OTHER INTERNATIONAL ESSAYS. By IMMANUEL KANT. 8vo, xxiv+179 pages 75

ETHICS OF FORCE. By H. E. WARNER. 8vo, v+126 pages. Postpaid, .55

FIRST BOOK OF WORLD LAW. By RAYMOND L. BRIDGMAN. 8vo, v+308 pages. Postpaid 1.65

FIRST HAGUE CONFERENCE. By ANDREW D. WHITE. 8vo, vi+125 pages. Postpaid 55

FISHERIES ARBITRATION ARGUMENT OF ELIHU ROOT. Edited, with Introduction and Appendix, by JAMES BROWN SCOTT. 8vo, cli+523 pages. Postpaid 3.50

FUTURE OF WAR. By JEAN DE BLOCH. 8vo, lxxix+380 pages. Postpaid, .65

GREAT DESIGN OF HENRY IV. With Introduction by EDWIN D. MEAD. 8vo, xxi+91 pages. Postpaid 55

INTERNATIONAL ARBITRAL LAW AND PROCEDURE. By JACKSON H. RALSTON. 8vo, xix+352 pages. Postpaid 2.20

INTER-RACIAL PROBLEMS. Papers communicated to the First Universal Races Congress, London, July 26–29, 1911. Edited by G. SPILLER. Quarto, xvi+485 pages. Postpaid 2.40

MOHONK ADDRESSES. By EDWARD EVERETT HALE and DAVID J. BREWER. 8vo, xxviii+150 pages. Postpaid 1.00

MORAL DAMAGE OF WAR. By WALTER WALSH. 8vo, xiii+462 pages. Postpaid 90

NEW PEACE MOVEMENT. By WILLIAM I. HULL. 8vo, xi+217 pages. Postpaid 1.00

PRIZE ORATIONS OF THE INTERCOLLEGIATE PEACE ASSOCIATION. Edited, with introduction by STEPHEN F. WESTON. 8vo, xiii+185 pages. Postpaid 75

PUBLIC INTERNATIONAL UNIONS. By PAUL S. REINSCH. 8vo, viii+189 pages. Postpaid 1.65

SIR RANDAL CREMER. By HOWARD EVANS. 8vo, 356 pages. Postpaid, 1.40

TEXTS OF THE PEACE CONFERENCES AT THE HAGUE, 1899 and 1907. Edited by JAMES BROWN SCOTT. 8vo, xxxiv+447 pages. Postpaid . . . 2.20

TWO HAGUE CONFERENCES. By WILLIAM I. HULL. 8vo, xiv+516 pages. Postpaid 1.65

WAR INCONSISTENT WITH THE RELIGION OF JESUS CHRIST. By DAVID LOW DODGE. 8vo, xxiv+168 pages. Postpaid 60

WORLD ORGANIZATION. By RAYMOND L. BRIDGMAN. 8vo, vi+172 pages. Postpaid 60

PAPER BOUND

BETHINK YOURSELVES! By LEO TOLSTOI. 6½ x 4½ in., 50 pages. Postpaid . . $0.10

BLOOD OF THE NATION. By DAVID STARR JORDAN. 6¾ x 4¾ in., 82 pages. Postpaid 15

THE COMING PEOPLE. By CHARLES F. DOLE. 4 x 6½ in., xii+224 pages. Seventh editinD, with chapter on "The Coming World Order." Postpaid 35

DUEL BETWEEN FRANCE AND GERMANY. By CHARLES SUMNER. 7½ x 5¼ in., 76 pages. Postpaid 20

KING'S EASTER. By HARRIET PRESCOTT SPOFFORD. 7½ x 5 in., 16 pages. Postpaid, .10

LEAGUE OF PEACE, A. By ANDREW CARNEGIE. 6½ x 4½ in., 47 pages. Postpaid, .10

PATRIOTISM AND THE NEW INTERNATIONALISM. By LUCIA AMES MEAD. 6¾ x 4¾ in., 125 pages. Pnstpaid 20

SYLLABUS OF LECTURES ON INTERNATIONAL CONCILIATION. By DAVID STARR JORDAN and EDWARD B. KREHBIEL. 9¼ x 5¾ in., 180 pages. Postpaid . . .75

TRUE GRANDEUR OF NATIONS. By CHARLES SUMNER. 7½ x 5¼ in., 132 pages. Postpaid 20

WAR SYSTEM OF THE COMMONWEALTH OF NATIONS. By CHARLES SUMNER. 7½ x 5¼ in., 107 pages. Postpaid 20

WHAT SHALL WE SAY? By DAVID STARR JORDAN. 9¼ x 6 in., 82 pages. Postpaid, .35

World Peace Foundation

Pamphlet Series

THE MONROE DOCTRINE
AND
THE PROGRAM OF THE
LEAGUE TO ENFORCE PEACE

BY
GEORGE GRAFTON WILSON

PUBLISHED BIMONTHLY BY THE
WORLD PEACE FOUNDATION
40 MT. VERNON STREET, BOSTON

August, 1916
Vol. VI. No. 4.

Entered as second-class matter January 15, 1913, at the post-office at Boston, Mass., under the Act of August 24, 1912

PROPOSALS OF THE LEAGUE TO ENFORCE PEACE

We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

First: All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Second: All other questions arising between the signatories, and not settled by negotiation, shall be submitted to a council of conciliation for hearing, consideration and recommendation.

Third: The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.

The following interpretation of Article Three has been authorized by the Executive Committee:

"The signatory powers shall jointly use, forthwith, their economic forces against any of their number that refuses to submit any question which arises to an international judicial tribunal or council of conciliation before threatening war. They shall follow this by the joint use of their military forces against that nation if it actually proceeds to make war or invades another's territory without first submitting, or offering to submit, its grievance to the court or council aforesaid and awaiting its conclusion."

Fourth: Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the Judicial Tribunal mentioned in Article One.

THE MONROE DOCTRINE AND THE PROGRAM OF THE LEAGUE TO ENFORCE PEACE[1]

BY GEORGE GRAFTON WILSON

There have been some arguments against the platform of the League to Enforce Peace. One of the most frequently advanced of these arguments is that the carrying out of the platform of the League would violate the so-called Monroe Doctrine. These words, the Monroe Doctrine, have been used to designate or to conceal such a variety of ideas and practices that it is necessary to start with some premise as to what the Monroe Doctrine may be.

If the Monroe Doctrine is, as Professor Bingham says, an "obsolete shibboleth," it is clear that the relation of the platform of the League to its content would be one of historical and speculative interest only. If on the other hand it is, as Mr. Pétin says, the substitution by the United States of an "American law for the general law of nations," the relations of the Monroe Doctrine to the platform of the League would be a fundamental question. If the Monroe Doctrine is an assertion of the "supremacy of the United States in the Western Hemisphere" or "supremacy in political leadership," there would also be reason for careful deliberation. A careful investigation would, however, show that the Monroe Doctrine is not a part of international law.

The statement of the Doctrine has varied. Early discussions in the cabinet before the Doctrine was set forth in Monroe's message seem to have been as lively as some later ones upon the same subject. Jefferson, when consulted upon the advisability of a policy which would not "suffer Europe to intermeddle with cis-Atlantic affairs," comparing the Declaration of Independence with this doctrine, said: "That [the Declaration] made us a nation, this sets our compass and points the course which we are to steer through the ocean of time opening on us." In the early days of the Monroe Doctrine the aim was to avoid further European interference in American

[1] This paper, by the professor of international law at Harvard University, was read at the First National Assemblage of the League to Enforce Peace at Washington on May 26, 1916, under the general topic "Practicability of the League Program."

affairs. Later, particularly from the days of President Polk, the Doctrine assumed a more positive form. Bismarck is reported to have called the Doctrine a piece of "international impertinence." In 1901 President Roosevelt in his annual message declared: "The Monroe Doctrine should be the cardinal feature of the foreign policy of all the nations of the two Americas, as it is of the United States," and in 1904 that "the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence to the exercise of an international police power." President Taft intimated in his message in 1909 tnat "the apprehension which gave rise to the Monroe Doctrine may be said to have already disappeared and neither the doctrine as it exists nor any other doctrine of American policy should be permitted to operate for the perpetuation of irresponsible government, the escape of just obligations or the insidious allegation of dominating ambitions on the part of the United States."

The construction of the Panama Canal gave rise to new problems. The rumor that foreigners were making purchases of land about Magdalena Bay in Mexico led to pronouncements in the United States Senate in 1912, that the United States could not view foreign possession of this or any such harbor "without grave concern" and it was admitted that this is a "statement of policy, allied to the Monroe Doctrine of course, but not necessarily dependent upon it or growing out of it."

As in the early days the United States considered it within its rights to assert a policy defensive in its nature but for the preservation of its well-being, so in later days the same general policy has taken differing forms. President Wilson early in his administration endeavored to assure the Americas of his desire for the cordial cooperation of the people of the different nations, and a little later he asserted, "we are friends of constitutional government in America; we are more than its friends, we are its champions"; and, in the same message, he declared that the United States "must regard it as one of the duties of friendship to see that from no quarter are material interests made superior to human liberty and national opportunity." President Roosevelt had in 1901 asserted that the Doctrine referred not merely to European but to "any non-American power." This was recognized abroad, as Sir Edward Grey said in 1911 of the United States: "They had a policy associated with the name of Monroe, the cardinal point of which was that no European

or non-American nation should acquire fresh territory on the continent of America."

In December, 1913, Mr. Page, the American Ambassador to Great Britain, announced a late form of policy, saying: "We have now developed subtler ways than taking their lands. There is the taking of their bonds, for instance. Therefore, the important proposition is that no sort of financial control can, without the consent of the United States, be obtained over these weaker nations which would in effect control their government."

These and many other views as to the significance of the Monroe Doctrine show the varying forms in which the United States has stated its opposition to the permanent occupation of territory or acquisition of political control in the American hemisphere by non-American powers. It has seemed necessary to present these differing ideas of the Monroe Doctrine to show that it is not law and to show that, as a manifestation of policy, it is not set forth in any single formula.

As single nations and as groups of nations have policies which vary in different parts of the world, and as the conflict of policies rather than the violation of established law is the frequent cause of international differences, it is evident that, if the League to Enforce Peace cannot provide any aid in case of conflict of policies, its function will be comparatively restricted. The conflict of policy would rarely take a form which would make justiciable methods practicable as a means to settlement.

This being the case, reference of such matters would be to the council of conciliation provided for in the second article of the platform of the League to Enforce Peace. The first article provides for justiciable questions and the second states:

"All other questions arising between the signatories and not settled by negotiation shall be submitted to a council of conciliation for hearing, consideration and recommendation."

Here it should be repeated that the League to Enforce Peace does not bind itself to carry out the recommendation which the council of conciliation may make but merely binds itself to see that no power goes to war over such a matter until the question has been submitted.

The conflicts of policy would, in most cases, be settled by ordinary diplomatic negotiations between the parties concerned. Even the Hague Convention of 1899 and 1907 for the Pacific Settlement of

International Disputes, ratified by twenty-eight or more of the leading states of the world, states that, "in case of serious disagreement or dispute, before an appeal to arms, the signatory powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers" (Art. 2). The Convention of 1907 deems it "expedient and desirable that one or more powers, strangers to the dispute, should, on their own initiative," tender such good offices. The United States, however, in signing this Convention made reservation that "nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in political questions or policy or internal administration of any foreign state; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions."

The United States has, however, also within recent years, particularly since 1913, become a party to a large number of treaties in which "the High Contracting Parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to an international commission"; and "they agree not to declare war or begin hostilities during such investigation and before the report is submitted." The report shall be presented in the maximum period of one year, but "the high contracting parties, by mutual accord, may shorten or extend this period." Some of these treaties are to remain effective for five years from the date of ratification and then till twelve months from notice of intention to terminate the treaty. These treaties have still some time to run. Plainly, therefore, the United States is bound already, possibly in some cases under the Hague Convention and certainly under these other treaties, of which there are a large number, to submit disputes even involving the Monroe Doctrine to a body which would meet the requirements of the platform of the League to Enforce Peace. These treaties are with France, Great Britain, and Russia, as well as with other European states and with South and Central American states. The President, in proclaiming these treaties, declares that he has "caused the said treaty to be made public, to the end that the same and every

article and clause thereof may be observed and fulfilled with good faith by the United States and by the citizens thereof."

A dispute in regard to the Monroe Doctrine or involving its principles, whatever they may be, would surely be included in the agreement made by the United States to refer disputes "of every nature whatsoever" to an international commission for investigation and report. This principle has had indorsement by leaders in preceding administrations as well as in the action upon these treaties by the present administration, and is therefore not to be regarded as embodying partisan policies. The United States is already bound to act as regards the Monroe Doctrine in disputes which may arise with most states in a fashion in exact accord with the second article of the platform of the League to Enforce Peace. The aim of the League is secured when the question which negotiation has been unable to settle is submitted "for hearing, consideration and recommendation," and it makes little difference whether the body to which it is submitted is called an "international commission" or a "council of conciliation."

If, then, the United States and thirty or more nations are already bound to the principle of the second article of the League's platform so far as the Monroe Doctrine and other matters are subjects of dispute, there would seem to be no reason for raising the question of the practicability of that part of the program at the present time. Its practicability has already been formally declared, and, as embodied in treaty provisions, is a part of the law of the land.

Any further discussion as to the practicability of the application of the League's program to differences arising in regard to the Monroe Doctrine would involve the question as to whether treaties already made will be observed when put to the test. Put concretely the question may be, will the United States, which has made treaties with certain states agreeing to submit to an international commission disputes "of every nature whatsoever," find it practicable to submit a dispute arising in regard to the Monroe Doctrine to such a commission, or will the United States disregard the treaty, and did the United States so intend in making the treaty. It is to be hoped, and it must be believed, that these treaties were made in good faith and that the parties to the treaties intend to observe their provisions. It has even been announced that the United States proposes to observe in principle toward other nations not parties to such treaties the conduct prescribed in these treaties. These treaties are called

treaties for the "Advancement of Peace" and declare as their object "to contribute to the development of the spirit of universal peace" or "to serve the cause of general peace." Accordingly, the enforcement of these treaties is regarded by these states as at least desirable for the sake of peace.

Under the general practice and law of nations the violation of a treaty may be a just cause of war. If this be so, then it is particularly essential that treaties for "the development of the spirit of universal peace" be kept. It would seem to be a simple proposition that the greater the risk of violation of a treaty the less ready a state will be to violate the treaty. This principle generally prevails, though at times states disregard all risks. If there is behind a treaty the compelling force of the fact of a signed agreement and the physical resources of the other signatory only, the fact of the agreement seems often, even in modern times, to have had little weight, and the sole deterrent seems to have been the physical power which might be felt if the agreement was not observed. This has given rise to the maxim often quoted that "a treaty is as strong as the force behind it." There is undoubtedly some truth in the maxim. The program of the League to Enforce Peace proposes to adopt what is beneficial in the maxim and to put behind treaties a degree of force which weak states might by themselves be unable to command. If, under the provision by which the United States and other states have agreed to refer to an international commission all differences, there is a reservation as regards matters affecting the Monroe Doctrine, this reservation is not expressed or implied.

There has been for many years evidence that treaties needed behind them some sanction. The one sanction which all nations recognize is that of force, whether it be economic, physical or other force. By the state which scrupulously observes its treaty engagements this force is never felt or feared. By the state that is not considerate of its treaty obligations this force is feared and may be felt. The state that proposed to observe its international obligations would seem to have almost a right to demand that it be secured against violation of its rights by a party which has agreed by treaty to observe them, particularly when the party which observes its international obligations has, in reliance upon the promise of the other party, refrained from building up a force to inspire fear in that party. All that a state can reasonably demand is that its side of a controversy be heard and considered impartially. The League

to Enforce Peace proposes to secure such hearing and consideration for both parties but beyond that does not propose to go, even if the subject of the controversy be the Monroe Doctrine.

The question has been repeatedly asked as to what would be the position of the United States as a member of the League to Enforce Peace if a non-American power should, through purchase, acquire St. Thomas from Denmark or a coaling station in Central America from some American state. Suppose the question is in regard to the purchase of St. Thomas by a non-American state. Denmark maintains that as sovereign she has the right to sell. The non-American state buys. The purchaser attempts to enter into possession. The United States cites President Grant in 1869 to the effect that "these dependencies are no longer regarded as subject to transfer from one European power to another." The United States could not, without violating an existing treaty with Denmark, go to war with that state without first submitting the matter to an international commission. If the purchaser were France or any of several other European states, similar treaties would bind the United States to wait the report of the international commission before taking hostile action. In other words the United States is already bound by treaties with Denmark, Italy, Norway, Sweden, France, Great Britain, Spain, etc., to submit just these questions to the procedure recommended in the League platform. The answer to those who ask the question as to what the United States would do as a member of the League in the supposed case as to a dispute over the transfer of St. Thomas would be that the United States would keep its treaty agreement and submit the question to the international commission if the purchasing state was among these with which there is a treaty, and that this would entirely meet the obligations as a member of the League. Consequently in this case there would be no new obligations. If the purchasing state should be one with which the United States has not one of these recent treaties but if the purchasing state be a member of the League, the United States would be under obligation to submit the controversy not to a court of justice or of arbitration, but to a council of conciliation or international commission for hearing, consideration and recommendation, for the Monroe Doctrine is a matter of policy, not a matter of law. The same is to be said in regard to the question in regard to the acquisition of a coaling station. In brief, the United States would be obliged, so far as members of the League were con-

cerned, to do exactly what it is now obliged by treaty agreement to do with most of the states of the world; and, as these treaty states would probably be the members of the League, the conditions would be changed in no respect, except that behind the treaty obligation would be the sanction of the justified use of economic and military force in addition to other sanctions.

Further, it may be said if, when in dispute, the Monroe Doctrine as applied by the United States is not a policy upon which the United States is willing to await hearing, consideration and recommendation, then the United States has not acted in good faith in signing these recent treaties; and it may also be said, if the American policy as embodied in the Monroe Doctrine will not stand the test of investigation and consideration, that it is time for the United States to be determining why it should longer give to the Doctrine its support.

As the plan of the League for submission of controversies such as might arise over the Monroe Doctrine has, on the initiative of the United States, already been embodied in treaties with a greater part of the states of the world, such a plan cannot be regarded as impracticable without condemnation of the judgment of those who are in control of the affairs of the world, and this judgment the League to Enforce Peace, having the well-being of the world in view, does not criticize and condemn, but supports and commends.

TREATIES FOR THE ADVANCEMENT OF PEACE.[1]

(Corrected to October, 1916.)

The stages of these treaties are:
1. Negotiation proposed by identic note, accepted in principe;
2. Negotiation, resulting in treaties signed;
3. Ratification advised by parliamentary organs (where necessary);
4. Ratification by executives of states;
5. Exchange of ratifications;
6. Proclamation, promulgation or publication of treaties to people.

In Force.

BOLIVIA.—Order of acceptance in principle, 11; seventh treaty, signed at Washington, January 22, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, January 4, 1915; ratified by Bolivia, November 14, 1914; ratifications exchanged at Washington, January 8, 1915; proclaimed January 9, 1915; in force for five years from exchange of ratifications, January 8, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 606.

CHILE.—Order of acceptance in principle, 22; twenty-first treaty, signed at Washington, July 24, 1914; ratification advised by United States Senate, August 20, 1914; ratified by the President, November 11, 1915; ratified by Chile, November 9, 1915; ratifications exchanged at Washington, January 19, 1916; proclaimed, January 22, 1916; in force for five years from exchange of ratifications, January 19, 1916, and successively for periods of five years until notice of intention to terminate; text, *Treaty Series*, No. 621.

CHINA.—Order of acceptance in principle, 14; twenty-third treaty, signed at Washington, September 15, 1914; ratification advised by United States Senate, October 12, 1914; ratified by the President, June 17, 1915; ratified by China, June 18, 1915; ratifications exchanged at Washington, October 22, 1915; proclaimed, October 23, 1915; in force for five years from exchange of ratifications, October 22, 1915, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 619; exchange of notes extending time for appointment of the commission under article 2 from April 22, 1916, to August 1, 1916, signed at Washington, May 11–19, 1916; text, *Treaty Series*, No. 619–A.

COSTA RICA.—Order of acceptance in principle, 24; eleventh treaty, signed at Washington, February 13, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, November 11, 1914; ratified by Costa Rica, July 25, 1914; ratifications exchanged at Washington, November 12, 1914; proclaimed, November 13, 1914; in force for five years from exchange of ratifications, November 12, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 603.

DENMARK.—Order of acceptance in principle, 21; tenth treaty, signed at Washington, February 5, 1914; ratified by Danish House, February 27, 1914;

[1] A treaty modeled after these American engagements was signed by the ministers for foreign affairs of the Argentine Republic, Brazil and Chile at Buenos Aires on May 25, 1915. The Argentine senate approved the treaty on September 22, 1915, and Brazil ratified it on November 10, 1915.

Articles 9 and 10 of the convention between United States and Great Britain concerning the boundary waters between the United States and Canada, signed at Washington January 11, 1909, contain provisions of a similar character. The convention establishes an International Joint Commission, which has been active for several years.

rejected by Danish Senate, March 28, 1914; redrafted and signed at Washington, April 17, 1914; ratification advised by United States Senate, September 30, 1914; ratified by President, January 14, 1915; ratified by Denmark, November 21, 1914; ratifications exchanged at Washington, January 19, 1915; proclaimed, January 20, 1915; in force for five years from exchange of ratifications, January 19, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 608.

ECUADOR.—Order of acceptance in principle, 32; twenty-eighth treaty, signed at Washington, October 13, 1914; ratification advised by United States Senate, October 20, 1914; ratified by the President, January 4, 1916; ratified by Ecuador, November 10, 1915; ratifications exchanged at Washington, January 22, 1916; proclaimed, January 24, 1916; in force for five years from exchange of ratifications, January 22, 1916, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 622.

FRANCE.—Order of acceptance in principle, 3; twenty-fourth treaty, signed at Washington, September 15, 1914; ratification advised by United States Senate, September 25, 1914; ratified by the President, January 14, 1915; ratified by France, December 3, 1914; ratifications exchanged at Washington, January 22, 1915; proclaimed, January 23, 1915; in force for five years from exchange of ratifications, January 22, 1915, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 609; exchange of notes extending time for appointment of the commission under article 2 from July 22, 1915, to January 1, 1916, signed at Washington, November 10, 1915; text, *Treaty Series*, No. 609–A.

GREAT BRITAIN.—Order of acceptance in principle, 2; twenty-fifth treaty, signed at Washington, September 15, 1914; ratification advised by United States Senate, September 25, 1914; ratified by the President, November 4, 1914; ratified by Great Britain, October 8, 1914; ratifications exchanged at Washington, November 10, 1914; proclaimed, November 11, 1914; in force for five years from exchange of ratifications, November 10, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 602; exchange of notes extending time for appointment of the commission under article 2 from May 10, 1915, to January 1, 1916, signed at Washington, November 3, 1915; text, *Treaty Series*, No. 602–A.

GUATEMALA.—Order of acceptance in principle, 16; second treaty, signed at Washington, September 20, 1913; ratification advised by the Senate, with amendments, August 13, 1914; ratified by the President, August 27, 1914; ratified by Guatemala, May 15, 1914; ratifications exchanged at Washington, October 13, 1914; proclaimed, October 13, 1914; in force for five years from exchange of ratifications, October 13, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 598; exchange of notes extending time for appointment of the commission under article 2 from February 13, 1915, to January 1, 1916, signed at Washington, November 3, 1915; text, *Treaty Series*, No. 598–A; exchange of notes extending time for appointment of the commission under article 2 from January 1, 1916, to July 1, 1916, signed at Washington, June 1, 1916; text, *Treaty Series*, No. 598–B.

HONDURAS.—Order of acceptance in principle, 29; fourth treaty, signed at Washington, November 13, 1913; ratification advised by United States Senate, with amendments, August 13, 1914; ratified by the President, July 20, 1916; ratified by Honduras, May 29, 1916; ratifications exchanged at Washington, July 27, 1916; proclaimed, July 28, 1916; in force for five years from exchange of ratifications, July 27, 1916, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 625.

ITALY.—Order of acceptance in principle, 1; fifteenth treaty, signed at Wash-

ington, May 5, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, March 17, 1915; ratified by Italy, November 29, 1914; ratifications exchanged at Washington, March 19, 1915; proclaimed, March 24, 1915; in force for five years from exchange of ratifications, March 19, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 615; exchange of notes extending time for appointment of the commission under article 2 from September 19, 1915, to January 1, 1916, signed at Washington, September 18, 1915; text, *Treaty Series*, No. 615½.

NORWAY.—Order of acceptance in principle, 6; sixteenth treaty, signed at Washington, June 24, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, October 14, 1914; ratified by Norway, September 18, 1914; ratifications exchanged at Washington, October 21, 1914; proclaimed by President, October 22, 1914; in force for five years from exchange of ratifications, October 21, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 599; exchange of notes extending time for appointment of the commission under article 2 from February 21, 1915, "until the contracting parties are able to complete the selection," signed at Washington, January 7–12, 1915; text, *Treaty Series*, No. 599½.

PARAGUAY.—Order of acceptance in principle, 27; twenty-second treaty, signed at Asuncion, August 29, 1914; ratification advised by United States Senate, October 22, 1914; ratified by the President, October 26, 1914; ratified by Paraguay, March 9, 1915; ratifications exchanged at Asuncion, March 9, 1915; proclaimed by the President, March 17, 1915; in force for five years from exchange of ratifications, March 9, 1915, and then until 1 year after notice of intention to terminate; text, *Treaty Series*, No. 614; exchange of notes extending time for appointment of the commission under article 2 from July 9, 1915, to January 15, 1916, signed at Washington, November 16, 1915; text, *Treaty Series*, No. 614–A.

PERU.—Order of acceptance in principle, 8; seventeenth treaty, signed at Lima, July 14, 1914; ratification advised by United States Senate, August 20, 1914; ratified by the President, December 1, 1914; ratified by Peru, January 26, 1915; ratifications exchanged at Lima, March 4, 1915; proclaimed by the President, March 6, 1915; in force for five years from exchange of ratifications, March 4, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 613.

PORTUGAL.—Order of acceptance in principle, 19; ninth treaty, signed at Lisbon, February 4, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, October 21, 1914; ratified by Portugal, September 26, 1914; ratifications exchanged at Washington, October 24, 1914; proclaimed by the President, October 27, 1914; in force for five years from exchange of ratifications, October 24, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 600; exchange of notes extending time for appointment of the commission under article 2 from April 24, 1915, to April 24, 1916, signed at Washington, November 16, 1915; text, *Treaty Series*, No. 600–A.

RUSSIA.—Order of acceptance in principle, 7; twenty-seventh treaty, signed at Washington, September 18/October 1, 1914; ratification advised by United States Senate, October 13, 1914; ratified by the President, January 23, 1915; ratified by Russia, December 23, 1914; ratifications exchanged at Washington, March 22, 1915; proclaimed by the President, March 25, 1915; in force for five years from exchange of ratifications, March 22, 1915, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 616.

SPAIN.—Order of acceptance in principle, 18; twenty-sixth treaty, signed at Washington, September 15, 1914; ratification advised by United States Senate, September 25, 1914; ratified by the President, November 23, 1914; ratified by

Spain, November 23, 1914; ratifications exchanged at Washington, December 21, 1914; proclaimed December 23, 1914; in force for five years from exchange of ratifications, December 21, 1914, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 605; exchange of notes extending time for appointment of the commission under article 2 from June 21, 1915, to February 15, 1916, signed at Washington, November 16–December 20, 1915; text, *Treaty Series*, No. 605–A.

SWEDEN.—Order of acceptance in principle, 5; thirtieth treaty, signed at Washington, October 13, 1914; ratification advised by United States Senate, October 22, 1914; ratified by the President, January 4, 1915; ratified by Sweden, November 13, 1914; ratifications exchanged at Washington, January 11, 1915; proclaimed, January 12, 1915; in force for five years from exchange of ratifications, January 11, 1915, and, failing denunciation 6 months at least before expiration of period, by tacit renewals for periods of five years; text, *Treaty Series*, No. 607; exchange of notes extending time for appointment of the commission under article 2 from July 11, 1915, to January 15, 1916, signed at Washington, November 16, 1915; text, *Treaty Series*, No. 607–A.

URUGUAY.—Order of acceptance in principle, 35; eighteenth treaty, signed at Washington, July 20, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, February 19, 1915; ratified by Uruguay, November 25, 1914; ratifications exchanged at Washington, February 24, 1915; proclaimed, February 26, 1915; in force for five years from exchange of ratifications, February 24, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 611.

SIGNED.

ARGENTINE REPUBLIC.—Order of acceptance in principle, 13; nineteenth treaty, signed at Washington, July 24, 1914; ratification advised by United States Senate, August 13, 1914.

BRAZIL.—Order of acceptance in principle, 4; twentieth treaty, signed at Washington, July 24, 1914; ratification advised by United States Senate, August 13, 1914.

DOMINICAN REPUBLIC.—Order of acceptance in principle, 15; thirteenth treaty, signed at Washington, February 17, 1914.

GREECE.—Order of acceptance in principle, 34; twenty-ninth treaty, signed at Washington, October 13, 1914; ratification advised by United States Senate, October 20, 1914.

NETHERLANDS.—Order of acceptance in principle, 10; sixth treaty, signed at Washington, December 18, 1913; ratification advised by United States Senate, August 13, 1914.

NICARAGUA.—Order of acceptance in principle, 30; fifth treaty, signed at Washington, December 17, 1913; ratification advised by United States Senate, August 13, 1914.

PANAMA.—Order of acceptance in principle, 28; third treaty, signed at Washington, September 20, 1913.

PERSIA.—Order of acceptance in principle, 31; eighth treaty, signed at Teheran, February 4, 1914; ratification advised by United States Senate, August 13, 1914.

SALVADOR.—Order of acceptance in principle, 25; first treaty, signed at Washington, August 7, 1913; ratification advised by United States Senate, August 13, 1914.

SWITZERLAND.—Order of acceptance in principle, 26; twelfth treaty, signed at Washington, February 13, 1914; ratification advised by United States Senate, August 13, 1914.

VENEZUELA.—Order of acceptance in principle, 33; fourteenth treaty, signed at Caracas, March 21, 1914; ratification advised by United States Senate, August 13, 1914.

ACCEPTED IN PRINCIPLE.

AUSTRIA-HUNGARY.—Order of acceptance in principle, 9; invited to negotiate, September 15, 1914.

BELGIUM.—Order of acceptance in principle, 20.

CUBA.—Order of acceptance in principle, 23.

GERMANY.—Order of acceptance in principle, 12; invited to negotiate, September 15, 1914.

HAITI.—Order of acceptance in principle, 17.

INTERNATIONAL LIBRARY

Edited by EDWIN D. MEAD

PUBLISHED BY THE WORLD PEACE FOUNDATION

CLOTH BOUND

ADDRESSES ON WAR. By CHARLES SUMNER. 8vo, xxvii+321 pages. Postpaid $0.60

AMERICAN ADDRESSES AT THE SECOND HAGUE CONFERENCE. Edited by JAMES BROWN SCOTT. 8vo, xlviii+217 pages. Postpaid . . . 1.65

DISCOURSES ON WAR. By WILLIAM ELLERY CHANNING. 8vo, lxi+229 pages. Postpaid 60

ETERNAL PEACE AND OTHER INTERNATIONAL ESSAYS. By IMMANUEL KANT. 8vo, xxiv+179 pages 75

ETHICS OF FORCE. By H. E. WARNER. 8vo, v+126 pages. Postpaid, .55

FIRST BOOK OF WORLD LAW. By RAYMOND L. BRIDGMAN. 8vo, v+308 pages. Postpaid 1.65

FIRST HAGUE CONFERENCE. By ANDREW D. WHITE. 8vo, vi+125 pages. Postpaid 55

FISHERIES ARBITRATION ARGUMENT OF ELIHU ROOT. Edited, with Introduction and Appendix, by JAMES BROWN SCOTT. 8vo, cli+523 pages. Postpaid 3.50

FUTURE OF WAR. By JEAN DE BLOCH. 8vo, lxxix+380 pages. Postpaid, .65

GREAT DESIGN OF HENRY IV. With Introduction by EDWIN D. MEAD. 8vo, xxi+91 pages. Postpaid 55

INTERNATIONAL ARBITRAL LAW AND PROCEDURE. By JACKSON H. RALSTON. 8vo, xix+352 pages. Postpaid 2.20

INTER-RACIAL PROBLEMS. Papers communicated to the First Universal Races Congress, London, July 26–29, 1911. Edited by G. SPILLER. Quarto, xvi+485 pages. Postpaid 2.40

MOHONK ADDRESSES. By EDWARD EVERETT HALE and DAVID J. BREWER. 8vo, xxviii+150 pages. Postpaid 1.00

MORAL DAMAGE OF WAR. By WALTER WALSH. 8vo, xiii+462 pages. Postpaid 90

NEW PEACE MOVEMENT. By WILLIAM I. HULL. 8vo, xi+217 pages. Postpaid 1.00

PRIZE ORATIONS OF THE INTERCOLLEGIATE PEACE ASSOCIATION. Edited, with introduction by STEPHEN F. WESTON. 8vo, xiii+185 pages. Postpaid 75

PUBLIC INTERNATIONAL UNIONS. By PAUL S. REINSCH. 8vo, viii+189 pages. Postpaid 1.65

SIR RANDAL CREMER. By HOWARD EVANS. 8vo, 356 pages. Postpaid, 1.40

TEXTS OF THE PEACE CONFERENCES AT THE HAGUE, 1899 and 1907. Edited by JAMES BROWN SCOTT. 8vo, xxxiv+447 pages. Postpaid . . . 2.20

TWO HAGUE CONFERENCES. By WILLIAM I. HULL. 8vo, xiv+516 pages. Postpaid 1.65

WAR INCONSISTENT WITH THE RELIGION OF JESUS CHRIST. By DAVID LOW DODGE. 8vo, xxiv+168 pages. Postpaid 60

WORLD ORGANIZATION. By RAYMOND L. BRIDGMAN. 8vo, vi+172 pages. Postpaid 60

PAPER BOUND

BETHINK YOURSELVES! By LEO TOLSTOI. 6½ x 4½ in., 50 pages. Postpaid . . $0.10

BLOOD OF THE NATION. By DAVID STARR JORDAN. 6¾ x 4¾ in., 82 pages. Postpaid 15

THE COMING PEOPLE. By CHARLES F. DOLE. 4 x 6½ in., xii+224 pages. Seventh edition, with chapter on "The Coming World Order." Postpaid 35

DUEL BETWEEN FRANCE AND GERMANY. By CHARLES SUMNER. 7½ x 5¼ in., 76 pages. Postpaid 20

KING'S EASTER. By HARRIET PRESCOTT SPOFFORD. 7½ x 5 in., 16 pages. Postpaid, .10

LEAGUE OF PEACE, A. By ANDREW CARNEGIE. 6½ x 4½ in., 47 pages. Postpaid, .10

PATRIOTISM AND THE NEW INTERNATIONALISM. By LUCIA AMES MEAD. 6¾ x 4¾ in., 125 pages. Postpaid 20

SYLLABUS OF LECTURES ON INTERNATIONAL CONCILIATION. By DAVID STARR JORDAN and EDWARD B. KREHBIEL. 9¼ x 5¾ in., 180 pages. Postpaid . . .75

TRUE GRANDEUR OF NATIONS. By CHARLES SUMNER. 7½ x 5¼ in., 132 pages. Postpaid 20

WAR SYSTEM OF THE COMMONWEALTH OF NATIONS. By CHARLES SUMNER. 7½ x 5¼ in., 107 pages. Postpaid 20

WHAT SHALL WE SAY? By DAVID STARR JORDAN. 9¼ x 6 in., 82 pages. Postpaid, .35

World Peace Foundation

Pamphlet Series

THE CONCILIATION PLAN OF THE LEAGUE TO ENFORCE PEACE WITH AMERICAN TREATIES IN FORCE

THE UNITED STATES WOULD BE OBLIGED, SO FAR AS MEMBERS OF THE LEAGUE WERE CONCERNED, TO DO EXACTLY WHAT IT IS NOW OBLIGED BY TREATY AGREEMENT TO DO WITH MOST OF THE STATES OF THE WORLD; AND, AS THESE TREATY STATES WOULD PROBABLY BE THE MEMBERS OF THE LEAGUE, THE CONDITIONS WOULD BE CHANGED IN NO RESPECT, EXCEPT THAT BEHIND THE TREATY OBLIGATION WOULD BE THE SANCTION OF THE JUSTIFIED USE OF ECONOMIC AND MILITARY FORCE IN ADDITION TO OTHER SANCTIONS.—*George Grafton Wilson.*

PUBLISHED BIMONTHLY BY THE
WORLD PEACE FOUNDATION
40 MT. VERNON STREET, BOSTON

October, 1916
Vol. VI. No. 5

Entered as second-class matter January 15, 1913, at the post-office at Boston, Mass., under the Act of August 24, 1912

The United States would be obliged, so far as members of the League were concerned, to do exactly what it is now obliged by treaty agreement to do with most of the States of the world; and, as these treaty States would probably be the members of the League, the conditions would be changed in no respect, except that behind the treaty obligation would be the sanction of the justified use of economic and military force in addition to other sanctions.— *George Grafton Wilson, "The Monroe Doctrine and the Program of the League to Enforce Peace." (World Peace Foundation, Pamphlet Series, Vol. VI, No. 4, August, 1916, pages 9–10.)*

PROPOSALS OF THE LEAGUE TO ENFORCE PEACE

We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

First: All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Second: All other questions arising between the signatories, and not settled by negotiation, shall be submitted to a council of conciliation for hearing, consideration and recommendation.

Third: The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.

The following interpretation of Article Three has been authorized by the Executive Committee

"The signatory powers shall jointly use, forthwith, their economic forces against any of their number that refuses to submit any question which arises to an international judicial tribunal or council of conciliation before threatening war. They shall follow this by the joint use of their military forces against that nation if it actually proceeds to make war or invades another's territory without first submitting, or offering to submit, its grievance to the court or council aforesaid and awaiting its conclusion."

Fourth: Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the Judicial Tribunal mentioned in Article One.

CONCILIATION PLAN OF THE LEAGUE TO ENFORCE PEACE: A HISTORY

BY DENYS P. MYERS

The pacific methods of settling international disputes are designed to deal with legal differences and to as great an extent as possible with political differences. Practically no political difference, involving conflict between national policies, is without its distinctly legal side. The non-amicable methods of resolving international disputes —breaking diplomatic relations, retorsion, reprisal, embargo, non-intercourse, pacific blockade and intervention—are now practically obsolete and employed only by States of the first rank against those of lesser size or influence. Amicable methods include negotiation, good offices and mediation, commissions of inquiry and arbitration.[1] Of these methods, arbitration has held public attention almost to the exclusion of consideration of the other methods, which are of a less definite character. Of the other methods the commission of inquiry is capable of very great development. It is the medium chosen by President Wilson and Secretary of State Bryan for the advance toward assured peace which they desire to make, and the remarkable response to the Administration's project by the States of the entire world renders the subject a matter of public interest second to none. It may safely be said that no diplomatic proposition has ever made so rapid headway, for it is but eight months since the plan was broached, and it has in that short time been accepted by 31 out of 39 States, and seven treaties have been signed.

[1] Negotiation, the customary method of adjusting disputes, is conducted by diplomatic officers, and consists of verbal or written exchanges with the object of agreement. Negotiation is ordinarily conducted between two governments, and carried on at one or both capitals, as convenient. The technique of negotiation is elaborate.

Good offices and mediation are alike in character, but differ in kind, the first usually including a proffer of the latter. Both methods originate with a third and disinterested power. Secretary of State Hay described good offices as "the unofficial advocacy of interests which the agent [the third power] may properly represent, but which it may not be convenient to present and discuss on a full diplomatic footing"; and "it is allied to arbitral intermediation as an impartial adviser of both parties." Mediation is a step further, and gives the third power the right to become a quasi-negotiator, but solely in the interest of a settlement satisfactory to the two principals.

The commission of inquiry is extra-diplomatic, and its function is to determine facts about which the disputants differ or are in doubt.

Arbitration is now a legal method, and "has for its object the settlement of disputes between states by judges of their own choice and on the basis of respect for law." An arbitral court at present has a competence for both law and equity, which does not exist as such in international legal relations. Compromise in the interest of even-handed justice may therefore be resorted to, but will decrease as international law and decisions cover more detailed matters.

In international affairs the commission of inquiry plays the part assigned in French courts to the *juge d'instruction* and in American judicial procedure to a master. This officer of a court is designated by the judge to hear testimony on matters of great complication and to report the essential facts to the court, who renders the decision of law. The commission of inquiry is designed likewise to digest evidence and report facts. It reports not to a court, but to the disputants, in whose discretion it lies whether the matter shall be settled by negotiation on the basis of facts determined by the commission or by arbitral proceedings.

The commission of inquiry is a necessary development of international relations. Differences between nations, whether legal or political, are invariably of a very complicated character. The report of the North Atlantic Fisheries arbitration, for instance, required 12 volumes for its publication, while the correspondence regarding the matter itself and its various phases ran to thousands of pages through the years of its discussion. Under such conditions it is inevitable that international disputes may become so overlaid with uncertainties that both sides, with the best will in the world, find genuine difficulty in recognizing precisely what is the subject-matter of the dispute. The commission of inquiry is designed to refer the technicalities involved to competent persons who by impartial study of the evidence may report back to the principals exactly what are the facts of the case. The commission must always be organized for the specific case, its jurisdiction specially conferred, and its function can lead to little disagreement in principle because no modern State is in a position to refuse to have the facts determined in any dispute to which it may be a party.

Chevalier Descamps of Belgium, reporter on this subject to the plenary session of the First Hague Conference, defined the value of the Commission of Inquiry in these words:—

> The question of the institution of International Commissions of Inquiry has been considered by the committee as being of great importance along the line aimed at by the Conference. . . . International Commissions of Inquiry, the eminent delegate of Russia (de Martens) has observed, are not an innovation. They have already given proof of the services they can render when a dispute breaks out between two States in good faith; for example, if a frontier incident occurs between them, opinion is inflamed still more as the incident is unexpected and as less information concerning it is given, because public opinion is ignorant of the origin and real causes of the dispute. It is at the mercy of the impressions of the moment and there is great likelihood that in these conditions the public mind may become irritated and envenomed. This is why we have desired to provide

for the contingency of a commission with the first and primary object of finding out and making known the truth as to the causes of the incident and the actual importance (*matérialité*) of the facts. Such is the principal rôle of the Commission: it is appointed to make a report, and not to render a decision which could bind the Powers. But while it is at work preparing its report, time is gained, and this is the second object which we had in view. The public mind is calmed and the dispute ceases to exist in an acute stage.

As a practical method of adjusting international differences, the commission of inquiry seems to have been due to the late Frederick de Martens, the great jurisconsult of the Russian ministry of foreign affairs, whose sound work for the development of international law must long remain one of the foundations on which the future will build. The idea, however, was not entirely new, for what had been called mixed commissions were familiar and frequently used. As a general thing, these mixed commissions had drawn frontiers or executed a particular duty specified in a treaty. Darby lists 118 commissions in the 19th century, and they are still employed. The earlier records of pacific settlement contain many instances of commissions performing essentially the duties of inquiry, but invariably invested also with the power of rendering a decision,—a power which makes them therefore assimilated to arbitration. In fact, from the Jay treaty in 1794 almost down to 1899, it was customary to call an arbitral court a commission. The distinction between inquiry with power to decide and the function of inquiry alone seems to have taken shape most clearly in the mind of M. de Martens, though recognized by other publicists as an advantageous difference.

Professor de Martens, as the principal jurisconsult of the ministry of foreign affairs, was charged in the course of his regular duties with preparing for the work of the First Hague Conference, which had been proposed by the Russian emperor. The program emanated from the Russian Foreign Office, and its technical experts were given the primary responsibility of preparing preliminary and historical material relating to the program and to secure practical results from it. We may imagine the far-sighted publicist grappling with point 8 of the program: "Acceptance, in principle, of the use of good offices, mediation and voluntary arbitration, in cases where they are available, with the purpose of preventing armed conflicts between nations." In 1899 the proposition was considered both visionary and revolutionary by the "practical" statesmen of Europe, who chose to be suspicious of everybody else, whatever occurred. European statesmen of the day did not accept the Russian proposal of the

Conference in good faith, and assigned chauvinist reasons to account for its suggestion that are ludicrous in the light of history and recorded accomplishment.

De Martens was, of course, well aware of this general feeling in Europe and of its particular direction against Russia. He must have realized the difficulties of securing practical results under the circumstances. The documents drafted by St. Petersburg for presentation to the Conference, documents which in almost every branch of the work formed the starting-point for the labors of the Conference, are all characterized by the strictest adherence to undisputed and thoroughly practical considerations. Conservatism ruled, and the fact that the Conference advanced beyond the Russian propositions is due to the good fortune that the world was really ready for greater progress than had been obvious before the actual meeting.

THE FIRST HAGUE CONFERENCE[2]

Among the numerous documents presented by Russia through Professor de Martens to form the bases of discussion was one entitled "Elements for the Elaboration of a Project of Convention to be concluded between the Powers participating in the Hague Conference." It was presented at the second session of the Third Commission on May 26, 1899, and consisted of 18 articles devoted to good offices and mediation, international arbitration and international commissions of inquiry. Arts. 14 to 18, on the last-named subject, read:—

ART. 14. In cases where there should be produced between the signatory States differences of opinion with respect to local circumstances giving rise to litigation of an international character, which cannot be resolved by ordinary diplomatic methods but in which neither the honor nor the vital interests of these States are concerned, the interested Governments agree to institute an International Commission of Inquiry, in order to determine the circumstances which gave rise to the disagreement and to clear up all questions of fact on the spot by an impartial and conscientious examination.

ART. 15. These International Commissions are constituted as follows: Each interested Government names two members and the four members together choose the fifth member, who is at the same time president of the Commission. If there is a division of votes on the election of a president, the two interested Governments address themselves in common either to a third Government or to a third person who shall nominate the President of the Commission.

ART. 16. The Governments between which a serious disagreement occurs, or a dispute fulfilling the conditions indicated above, engage to furnish to the

[2] See generally *Conférence Internationale de la Paix, La Haye, 18 mai—2 juillet*, 1899: I, 80–83; IV, 31–44, 61–69; IV, B, 28–31, 55, 64, 70–73; Annexes, 2–3, 47.

Commission of Inquiry all necessary means and facilities for a profound and conscientious study of the facts which have given rise thereto.

ART. 17. The International Commission of Inquiry, after having determined the circumstances in which the disagreement or dispute was produced, presents to the interested Governments its report, signed by all the members of the Commission.

ART. 18. The report of the Commission of Inquiry has in no way the character of an arbitral award; it leaves to the Governments in dispute entire freedom either to conclude an arrangement amicably upon the basis of the above-mentioned report, or to have recourse to arbitration by concluding an agreement *ad hoc*, or finally to have recourse to the *de facto* methods admitted in the mutual relations between nations.

Professor de Martens, in drawing up these articles, had done nothing more than applied what had been a frequent practice between States for a hundred years. He was, of course, entirely familiar with diplomatic history, and had doubtless consulted the rules of procedure of various mixed commissions while elaborating the articles. The conservatism that characterized the project is evident in the last alternative of Art. 18, which, in the Comité d'examen[3] on June 21, Professor Asser of Holland was for cutting out. This was opposed by Dr. Zorn of Germany, who said that, "from the legal point of view, it cannot be forgotten that these articles (15–18) have another character, that of an advertisement. That being said, it is not necessary, as M. Asser says, to enter too much into details." Baron d'Estournelles of France proposed the suppression of the last phrase of the sentence of Art. 18. "It is useless," said he, "to foresee and explicitly reserve the right of war in the acts of the Peace Conference. The Comité sharing this point of view, Art. 18 was consequently ended with the words mediation and arbitration," making the phrase read "to have recourse to mediation and arbitration."

Other lesser but significant changes were made in the revision. In Art. 14, at the same session of the Comité d'examen, the restriction of the employment of the Commission to local circumstances was marked for removal by Professor Asser, though he did not then make his point. Professor Lammasch of Austria-Hungary objected to the suggestion of obligation in the article, and, supported by Mr. Holls of the United States and Dr. Zorn of Germany, carried through an amendment altering the phrase, "the interested Governments agree" to "the signatory States agree to recommend to the interested Governments."

Wider latitude in the method of selecting members of the Commis-

[3] For a careful account of the proceedings see William I. Hull, The Two Hague Conferences, 277–288. Compare James Brown Scott, The Hague Peace Conferences, I, 265–273.

sion was given in Art. 15 on the motion of Mr. Holls of the United States, generally supported. Art. 16 was modified so as to leave the furnishing of facts more to the discretionary good will of the interested Governments. Art. 17 was reduced in this first revision to the mere direction to present the report to the interested Governments.

The second reading in the Comité d'examen took place at the 13th session on July 3, 1899, and was passed without discussion.

The third reading in the Comité occurred at the 15th session, July 15, and at the 16th session, July 18. In the earlier session, M. d'Ornellas Vasconcellos of Portugal reverted to the point made by M. Asser on the original Art. 14 (now become Art. 9 of the Convention for the Pacific Settlement of International Disputes) relative to expanding the jurisdiction of the Commission. He proposed to change "local circumstances" to "circumstances of fact." He thought that the verification of facts could never violate the honor or vital interests of states, and, in the second place, proposed suppression of that restrictive phrase. M. Asser supported the first proposition, which he had striven for on June 14. "To wipe out a difference between two countries," he said, "it may be useful to examine impartially other than local circumstances; it should not be necessary that Commissions of Inquiry should be limited in their work of investigation and appeasement by any such formula." Professor Lammasch thought some restriction should exist, but the Comité voted the broader jurisdiction. M. d'Ornellas' second proposition to omit the national honor and vital interests clause was considered inopportune. An interesting technical discussion took place on the whole project at the 16th session, which went thence to the Third Commission for passage in the following form:

ART. 9. In disputes of the international nature arising from a difference of opinion on facts which can be the subject of a local determination, and moreover engaging neither the honor nor the vital interests of the interested Powers, these Powers, in the case where they have not been able to arrive at an accord by ordinary diplomatic methods, agree to have recourse, so far as circumstances permit, to the institution of International Commissions of Inquiry, in order to elucidate on the spot, by an impartial and conscientious examination, all questions of fact.

ART. 10. International Commissions of Inquiry are constituted, unless otherwise stipulated, in the manner fixed by Art. 31 (final Art. 32) of the present convention.

ART. 11. The interested Powers engage to supply the International Commission of Inquiry, as fully as they may think possible, with all the means and facilities necessary to enable it to be completely acquainted with and accurately to understand the facts in question.

ART. 12. The International Commission of Inquiry presents to the interested Powers its report, signed by all members of the Commission.

ART. 13. The report of the International Commission of Inquiry has in no way the character of an arbitral award. It leaves to the conflicting Powers entire freedom either to conclude an amicable arrangement on the basis of this report or to have recourse later to mediation or to arbitration.

This text was sent up to the Third Commission for passage before coming up at a plenary session for final enactment. In its sixth session on July 19 occurred one of the regrettable incidents of the Conference. The section relating to the Commission of Inquiry had been held over for discussion until Rumania, Servia and Greece could receive instructions from their Governments. On July 19 their thunder-cloud broke in a torrent of words. The Balkan States in general felt that the Commission of Inquiry proposition as a whole would put them into an adverse situation regarding their historic opponent, Turkey. The argument was lengthy, preciose and of a character not readily appreciated by disinterested observers.

M. Beldiman, first delegate of Rumania, opened the discussion, announcing that his Government was not in a position to adhere to the articles relating to Commissions of Inquiry. "This decision rests upon considerations of diverse character, which I shall permit myself to develop at length on account of the gravity that this question presents for us," he continued. "Our point of view is completely shared by Greece and Servia, and the Governments of these States, which have so many interests in common with us, likewise believe that the project of convention will gain much if it does not contain the section concerning Commissions of Inquiry." After citing at length documents to show Rumania's disposition of good will toward the work of the Conference, M. Beldiman referred to point 8 of the program and argued that, as Commissions of Inquiry were not included in its terms, the subject could not properly be discussed, adducing as a precedent the refusal to discuss the American proposition for inviolability of private property at sea. He admitted the superiority from the Rumanian point of view of the revision to the original Russian project.

The obligation to resort to the Commission was the chief point of his attack. "If," he said, "this new principle is to be adopted for the frequent cases of local inquiries which up to the present have been completely left to the free judgment of the Governments, it is to be feared that the practical application of this *obligatory* provision, far from facilitating the solution of the disputes in question, may

on the contrary provoke serious difficulties." He objected strongly to the method of choosing commissioners, which implied that a third power might name the president of the Commission.

M. Veljkovich of Servia spoke for his country, laying stress upon the alleged likelihood of small powers being at a disadvantage. "As to the relations of the great powers on the one side with the small powers on the other, it seems to us permissible to ask whether, in practice, the great powers will always show themselves disposed to recognize the same susceptibilities in the matter of honor and vital interests in the small powers that they will certainly not fail to have themselves." He argued that the guaranty resulting from the provision, "as far as circumstances permit," was not a real guaranty.

M. Delyanni of Greece briefly announced his Government in support of the points of view of Rumania and Servia.

Dr. Stanciov of Bulgaria, in rebuttal, argued that the section left to the States all guaranties of independence which they could desire. He suggested that the Commissioners should be chosen as for arbitration, each side appointing one and these two a third as president. He said that Art. 13, stating that the report had in no sense the character of an award, gave States freedom of action, but proposed an amendment: "It leaves to the conflicting Powers entire freedom either to conclude an amicable arrangement upon the basis of this report, or to consider it as null and void."

Édouard Rolin, delegate for Siam, made a declaration, in which this accomplished international lawyer wrote:

> We consider that it will rarely occur that a difference between States bears exclusively upon a question of fact and that the determination of the facts will only be the natural and even necessary prelude to a juridic argument. We therefore believe that arbitration would normally follow inquiry, in default of immediate agreement. It is with this conviction that we have to declare that the Siamese Government will undoubtedly be forced to consider the agreement with a view to eventual arbitration or, in other terms, the *previous conclusion of a compromis* as the principal circumstance which would permit it to consent to an International Commission of Inquiry coming to investigate disputed facts upon its territory.

This declaration, which pointed out the technical omission of methods of procedure, was duly recorded.

Chevalier Descamps, of Belgium, reporter, defended the section against the Balkan delegates. "The delegates are all here animated by a double sentiment," he said, "sincere devotion to the cause of peace and the *rapprochement* of peoples and an unshakable attachment to their own countries." He believed, on broad grounds, that

the two sentiments could be harmonized. As reporter of the project, he answered M. Beldiman's speech in detail.

M. de Martens in one of the remarkable speeches of the Conference enlarged on the reporter's statement as to the competence of the Conference to deal with the subject. "It is a question which is absolutely found in the very skeleton of the program itself. Of this there can be no doubt," he asserted. "I am in a position to affirm in the most positive manner possible that the articles concerning the commissions of inquiry do not contemplate any political purpose and touch in no way the policy of any State, neither great nor small, in the Orient or the Occident." He continued by a description of what the Commission was intended to accomplish, and closed with an eloquent appeal for maintaining a broad vision in dealing with the work of the Conference. "Gentlemen," he said, "if in private life one is happy when he sees everything in rose tints, in international life one is great if he sees everything in the large. One must not remain in the lowlands if he would enlarge his horizon."

M. Beldiman felt himself touched very close to the raw by the Russian's appeal, and made some comments which elicited from Léon Bourgeois of France, president of the Commission, the assurance that "M. de Martens had desired to address an appeal to all members of the Assembly to invite them to project themselves beyond their own frontiers and to consider only the frontiers of humanity." Rumania was thereupon mollified, and offered the explanation that, owing to lack of representation on the Comité d'examen, she had not had a previous opportunity of bringing forward her own point of view.

The vote on the articles followed. Arts. 9, 11 and 12 were adopted. On Art. 10 M. Eyschen of Luxemburg offered an amendment to provide for the procedure of the Commission. No provision had previously been made for the necessary document establishing the Commission for its special case. The question was wisely discussed by Dr. Zorn of Germany, M. de Martens and M. Asser. Chevalier Descamps of Belgium and Count Nigra of Italy succeeded in revising M. Eyschen's amendment satisfactorily. The article was adopted under reserve. To Art. 13 M. Stanciov of Bulgaria proposed an amendment; and this article was therefore adopted under reserve also. Turkhan Pasha for Turkey formally asserted her understanding of the section as purely optional.

President Bourgeois of the commission then suggested that the Balkan dissidents participate in the proceedings of the Comité

d'examen, which must meet again to consider the amendments. The offer was accepted, and the session rose.

The same afternoon the Comité d'examen reconvened to consider the amendments. Here, on the amendment to Art. 13 (now Art. 14), M. Stanciov of Bulgaria brought up the question of the report leaving the Governments concerned absolutely free. The result was the insertion of the clause in the article that the report should be limited to the statement of facts.

M. Bourgeois then reverted to Art. 9 to reassert its purely optional character. Rumania, Servia and Greece promised to report this understanding to their Governments by telegraph. Further discussion of the most cordial kind followed, and the Balkan delegates at the close readily agreed to report home as to the spirit of conciliation and absolute equity which characterized the proceedings.

Everybody was ready for the second reading in commission at its eighth session, July 22. M. Delyanni for Greece immediately "adhered" for his Government, and M. Miyatovich for Servia was authorized to accept without reserve the text of the whole section. M. Beldiman for Rumania submitted a letter in which all the sections except Art. 9 were accepted. On this article Rumania submitted a new text, which was passed unanimously, with two abstentions.

The entire text of the Convention was read and adopted without discussion at the seventh plenary session of the Conference on July 25, and thus was ready for signature. In that form it read:—

ARTICLE 9.[4] In differences of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the Signatory Powers recommend that the parties, who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE 10. The International Commissions of Inquiry are constituted by special agreement between the parties in conflict.

The Convention for an inquiry defines the facts to be examined and the extent of the Commissioners' powers.

It settles the procedure.

On the inquiry both sides must be heard.

The form and the periods to be observed, if not stated in the inquiry convention, are decided by the Commission itself.

ARTICLE 11. The International Commissions of Inquiry are formed, unless otherwise stipulated, in the manner fixed by article 32 of the present Convention.

[4] *Treaties, Conventions*, etc., 1776–1909, 2022.

ARTICLE 12. The Powers in dispute engage to supply the International Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

ARTICLE 13. The International Commission of Inquiry communicates its report to the conflicting Powers, signed by all the members of the Commission.

ARTICLE 14. The report of the International Commission of Inquiry is limited to a statement of facts, and has in no way the character of an Arbitral Award. It leaves the conflicting Powers entire freedom as to the effect to be given to this statement.[5]

THE SECOND HAGUE CONFERENCE

The Commission of Inquiry was employed but once in the interval between 1899 and 1907, when the Second Hague Conference convened. But that single use of its machinery fully justified all the work that had taken place in the First Conference, and the lengthy and conciliatory discussions which had secured general confidence in the plan.

In 1904 Japan and Russia were at war in the Far East. On October 20, 1904, the Baltic fleet, Admiral Rozhdestvensky, left Cape Skagen on its trip to the Sea of Japan to meet the enemy. On October 23 steam fishing trawlers put into Hull, England, bearing the bodies of two men killed, six wounded fishermen, and bringing the report that the trawler *Crane* was sunk and that five other vessels had suffered serious damage. All casualties were due to firing by the Russian fleet, the earliest news from which was to the effect that it had been attacked by Japanese torpedo boats mingling with the Hull trawlers on the Dogger Bank. England pooh-poohed the story, and the national ire rose. On October 23, at Hull, inquest was held on the bodies of the dead fishermen, and the jury's expression of their sense of the gravity of the situation accurately reflected British public opinion. On November 2 the Board of Trade initiated an inquiry which lasted from November 16 to 20, and adjourned

[5] Ratifications of the Convention containing this section were as follows: Germany, United States, Austria-Hungary, Belgium, Bulgaria, Denmark, Spain, France, Great Britain, Italy, Netherlands, Persia, Portugal, Rumania, Russia, Siam, Sweden and Norway, September 4, 1900; China, November 21, 1904; Greece, April 4, 1901; Japan, October 6, 1900; Luxemburg, July 12, 1901; Mexico, April 17, 1901; Montenegro, October 16, 1900; Servia, May 11, 1901; Switzerland, December 29, 1900; Turkey, June 12, 1907. Adhesions were deposited by non-participants as follows: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, Guatemala, Haiti, Nicaragua, Panama, Paraguay, Peru, Venezuela, June 15, 1907; Ecuador, July 3, 1907; Salvador, June 20, 1907; Uruguay, June 17, 1907.

The Second International Conference of American States, at Mexico City on January 29, 1902, signed a Treaty of Compulsory Arbitration modelled after the Hague Convention for the Pacific Settlement of International Disputes, and Arts. 13–19 of which practically repeat the Hague provision of 1899 (Senate Document No. 330, 57th Congress, 1st Session, 44–45). At that time the American States in general were not participants in the Hague Conferences.

sine die after taking depositions. Between the time when the Board of Trade inquiry was initiated and its actual work the Hague Convention had doubtless saved a war. At the outset the Russian fleet's act was described as an "unwarrantable action," "an unspeakable and unparalleled and cruel outrage," etc. Yet not a week had passed since the fateful Sunday when Britain learned the news until Premier Balfour announced in Parliament on October 28 that the whole matter was to be referred to an International Commission of Inquiry. As early as November 7 the terms of the convention[6] submitting the question were correctly known to the world, and within another week British passions had subsided. On November 25, 1904, the convention was signed, its Article 2 reading,—

> The Commission shall inquire into and report on all the circumstances relative to the North Sea incident, and particularly as to where the responsibility lies and the degree of blame attaching to the subjects of the two high contracting parties, or to the subjects of other countries in the event of their responsibility being established by the inquiry.

It can be seen at a glance that these terms of reference gave the commission jurisdiction far beyond the rendering of a report on the facts, which alone is stipulated by the Hague Convention. Yet fixing responsibility is not essentially a juridic attribute. The convention of reference in other respects followed the provisions of The Hague, and named Paris as the place for sitting. Admiral Dubassov was the Russian member, and Vice-Admiral Sir Lewis Beaumont the British. By the convention the Governments of France and the United States were to name two commissioners, the persons selected being Rear-Admiral Fournier and Rear-Admiral Charles Henry Davis. These four chose the fifth and president, Admiral von Spaun, of Austria.

The commission met on December 22, and on February 26, 1905, its report was published. The majority of the commissioners, the Russian dissenting, found that, "being of opinion that there was no torpedo boat either among the trawlers nor on the spot, the fire opened by Admiral Rozhdestvensky was not justifiable"; that "the responsibility for this act and the results of the cannonade sustained by the fishing fleet rests with Admiral Rozhdestvensky." On March 9 the Russian ambassador handed to Lord Lansdowne, secretary of state for foreign affairs, the sum of £65,000 as the amount of

[6] The document referring a matter to commission is called a convention, thus distinguishing it from the *compromis* by which a case is referred to arbitration.

indemnity due to Hull fishermen. On March 24 the Board of Trade published its report on the depositions taken from November 16 to 20, fixing the amount of damages at £60,000, so that the Russian payment more than covered the damages.

This practical test of the International Commission of Inquiry indicated its general soundness, but pointed also to many matters of procedure which might be conventionally developed. It was with this experience and this data before it that the Second Hague Conference came to the consideration of revising the five articles of 1899.

When the First Commission of the Conference[7] met on June 22, 1907, it divided into two sub-commissions, the first of which was to revise the Convention for the Pacific Settlement of International Disputes, including the commission of inquiry provisions. The sub-commission met first on June 25, organized with Signor Fusinato of Italy as president, and received several projects, including the documentary material resulting from the Dogger Bank affair. In the fourth session of the sub-commission, July 9, the commission of inquiry articles came up for preliminary reading.

Henri Fromageot of France opened the discussion. "On most of the questions involving organization of the commissions of inquiry, their functioning and their procedure, the present Convention is silent," he said. The object was to make access to them easier and their operation more sure. Experience showed that a risk was run of notably increasing the difficulties of drafting a convention of reference by adding the necessity of determining rules of procedure to be followed. "Among the questions susceptible of being foreseen by the Conference, it seems these may be mentioned: the rôle of each of the Parties before the Commission of Inquiry and their methods of defending their rights and interests there; handling of evidence, especially evidence by witnesses, with the guaranties of veracity it requires; publicity of the inquiry which, imprudently admitted, risks preventing search for the truth and of overexciting the public instead of appeasing it; conduct of the deliberations; liquidation of the costs. . . . The improvements which we propose are inspired by the thought of permitting International Commissions of Inquiry, in every respect, to be an easily accessible means of assuring peace between nations." M. de Martens for Russia made a notable speech

[7] See generally *Deuxième Conférence de la Paix, La Haye, 1907:* I, 335, 402, 564, 606; II, 35–37, 19, 226, 379, 403, 625, 862–869.

dealing philosophically with the legal character of the commission. Count Tornielli for Italy, M. de Beaufort for the Netherlands and Sir Edward Fry for Great Britain offered amendments. Haiti, Germany, Rumania, Turkey, Greece, Austria-Hungary, Servia and Brazil made statements favoring the retention of optional resort to the commission. The Comité d'examen was then appointed to attack the problem of revision in detail.

In the third session of the First Commission, October 4, 1907, the articles as they came from the Comité d'examen were read. M. Beldiman of Rumania recalled the revision obtained at the First Conference by Rumania, Greece and Servia, when "they pleaded the cause of defective administrations," and observed that the principle of optional resort to the commission was accepted at the present Conference by all the projects brought before it.

M. de Martens of Russia complained of the optional provision of the reference article (9). "The Powers are sovereign," he said, "and their right to have recourse to Commissions of Inquiry is subject to no limitation. However, Art. 9 is edited in a way to make it seem that the Governments interdict for themselves recourse to the International Commissions in the case where honor and essential interests are affected. Is this phrasing really happy? Does it reflect on the state of things after the inquiry on the Hull incident where the essential interests, if not the honor, of two great powers were affected? . . . The Conference seems to wish to ignore the most remarkable historical lesson of this celebrated case. After the Hull inquiry, it did not wish to declare useful and desirable recourse to the Commissions of Inquiry *in every occurrence.*" The accomplished Russian did not, however, feel justified in delaying the work of the Conference by introducing an amendment, and Art. 9 was passed by the commission without change. For the rest of the section the reading brought out nothing new.

At the ninth plenary session of the Conference, October 16, the new Convention was unanimously voted to signature, the section relating to International Commissions of Inquiry, previously five articles, now consisting of 27 articles:—

PART III.—INTERNATIONAL COMMISSIONS OF INQUIRY.[8]

ARTICLE 9.—In disputes of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the

[8] The text as proclaimed by the president on February 28, 1910. It should be understood that the original French text controls, the official American text being merely a translation.

Contracting Powers deem it expedient and desirable that the parties who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE 10.—International Commissions of Inquiry are constituted by special agreement between the parties in dispute.

The Inquiry Convention defines the facts to be examined; it determines the mode and time in which the Commission is to be formed and the extent of the powers of the Commissioners.

It also determines, if there is need, where the Commission is to sit, and whether it may remove to another place, the language the Commission shall use and the languages the use of which shall be authorized before it, as well as the date on which each party must deposit its statement of facts, and, generally speaking, all the conditions upon which the parties have agreed.

If the parties consider it necessary to appoint Assessors, the Convention of Inquiry shall determine the mode of their selection and the extent of their powers.

ARTICLE 11.—If the Inquiry Convention has not determined where the Commission is to sit, it will sit at The Hague.

The place of meeting, once fixed, cannot be altered by the Commission except with the assent of the parties.

If the Inquiry Convention has not determined what languages are to be employed, the question shall be decided by the Commission.

ARTICLE 12.—Unless an undertaking is made to the contrary, Commissions of Inquiry shall be formed in the manner determined by Articles XLV and LVII of the present Convention.[9]

ARTICLE 13.—Should one of the Commissioners or one of the Assessors, should there be any, either die, or resign, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE 14.—The parties are entitled to appoint special agents to attend the Commission of Inquiry, whose duty it is to represent them and to act as intermediaries between them and the Commission.

They are further authorized to engage counsel or advocates, appointed by themselves, to state their case and uphold their interests before the Commission.

ARTICLE 15.—The International Bureau of the Permanent Court of Arbitration acts as registry for the Commissions which sit at The Hague, and shall place its offices and staff at the disposal of the Contracting Powers for the use of the Commission of Inquiry.

ARTICLE 16.—If the Commission meets elsewhere than at The Hague, it appoints a Secretary-General, whose office serves as registry.

It is the function of the registry, under the control of the President, to make the necessary arrangements for the sittings of the Commission, the preparation of the Minutes, and, while the inquiry lasts, for the charge of the archives, which shall subsequently be transferred to the International Bureau at The Hague.

ARTICLE 17.—In order to facilitate the constitution and working of Commissions of Inquiry, the Contracting Powers recommend the following rules, which shall be applicable to the inquiry procedure in so far as the parties do not adopt other rules.

ARTICLE 18.—The Commission shall settle the details of the procedure not covered by the Special Inquiry Convention or the present Convention, and shall arrange all the formalities required for dealing with the evidence.

ARTICLE 19.—On the inquiry both sides must be heard.

[9] The articles relate to arbitration procedure.

At the dates fixed, each party communicates to the Commission and to the other party the statements of facts, if any, and, in all cases, the instruments, papers, and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.

ARTICLE 20.—The Commission is entitled, with the assent of the Powers, to move temporarily to any place where it considers it may be useful to have recourse to this means of inquiry or to send one or more of its members. Permission must be obtained from the State on whose territory it is proposed to hold the inquiry.

ARTICLE 21.—Every investigation, and every examination of a locality, must be made in the presence of the agents and counsel of the parties or after they have been duly summoned.

ARTICLE 22.—The Commission is entitled to ask from either party for such explanations and information as it considers necessary.

ARTICLE 23.—The parties undertake to supply the Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question.

They undertake to make use of the means at their disposal, under their municipal law, to insure the appearance of the witnesses or experts who are in their territory and have been summoned before the Commission.

If the witnesses or experts are unable to appear before the Commission, the parties will arrange for their evidence to be taken before the qualified officials of their own country.

ARTICLE 24.—For all notices to be served by the Commission in the territory of a third Contracting Power, the Commission shall apply direct to the Government of the said Power. The same rule applies in the case of steps being taken on the spot to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the Power applied to under its municipal law allow. They can not be rejected unless the Power in question considers they are calculated to impair its sovereign rights or its safety.

The Commission will equally be always entitled to act through the Power on whose territory it sits.

ARTICLE 25.—The witnesses and experts are summoned on the request of the parties or by the Commission of its own motion, and, in every case, through the Government of the State in whose territory they are.

The witnesses are heard in succession and separately, in the presence of the agents and counsel, and in the order fixed by the Commission.

ARTICLE 26.—The examination of witnesses is conducted by the President.

The members of the Commission may however put to each witness questions which they consider likely to throw light on and complete his evidence, or get information on any point concerning the witness within the limits of what is necessary in order to get at the truth.

The agents and counsel of the parties may not interrupt the witness when he is making his statement, nor put any direct question to him, but they may ask the President to put such additional questions to the witness as they think expedient.

ARTICLE 27.—The witness must give his evidence without being allowed to read any written draft. He may, however, be permitted by the President to consult notes or documents if the nature of the facts referred to necessitates their employment.

ARTICLE 28.—A Minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be recorded at the end of his statement.

When the whole of his statement has been read to the witness, he is asked to sign it.

ARTICLE 29.—The agents are authorized, in the course of or at the close of the inquiry, to present in writing to the Commission and to the other party such statements, requisitions, or summaries of the facts as they consider useful for ascertaining the truth.

ARTICLE 30.—The Commission considers its decisions in private and the proceedings are secret.

All questions are decided by a majority of the members of the Commission.

If a member declines to vote, the fact must be recorded in the Minutes.

ARTICLE 31.—The sittings of the Commission are not public, nor the Minutes and documents connected with the inquiry published except in virtue of a decision of the Commission taken with the consent of the parties.

ARTICLE 32.—After the parties have presented all the explanations and evidence, and the witnesses have all been heard, the President declares the inquiry terminated, and the Commission adjourns to deliberate and to draw up its Report.

ARTICLE 33.—The Report is signed by all the members of the Commission.

If one of the members refuses to sign, the fact is mentioned; but the validity of the Report is not affected.

ARTICLE 34.—The Report of the Commission is read at a public sitting, the agents and counsel of the parties being present or duly summoned.

A copy of the Report is given to each party.

ARTICLE 35.—The Report of the Commission is limited to a statement of facts, and has in no way the character of an Award. It leaves to the parties entire freedom as to the effect to be given to the statement.

ARTICLE 36.—Each party pays its own expenses and an equal share of the expenses incurred by the Commission.[10]

THE TAFT TREATIES[11]

It was not until President Taft, in 1911, began negotiations with France and Great Britain for arbitration treaties of the broadest possible scope that the commission of inquiry again came into prominence. In principle the identic texts signed on August 3, 1911, were a great improvement over any other general treaties of the kind previously negotiated, excepting such as contained no exceptions whatever. They properly and for the first time made the legal character of a dispute the test of its arbitrable quality, thus avoiding exceptions of the purely capricious kind. For national honor and vital interests are anything or nothing, according as the public point of view happens to be at a time of stress or crisis. But, sound as the phrasing was in this respect, the notable thing about

[10] Ratifications of the Convention containing these articles have been deposited at The Hague as follows: Germany, United States, Austria-Hungary, Bolivia, China, Denmark, Great Britain, Mexico, Netherlands, Russia, Salvador and Sweden, November 27, 1909; Belgium, August 8, 1910; Brazil, December 31, 1910; Cuba, February 22, 1912; Spain, March 18, 1913; France, October 7, 1910; Guatemala, March 15, 1911; Haiti, February 2, 1910; Japan, December 13, 1911; Luxemburg, August 28, 1912; Nicaragua, December 16, 1909; Norway, September 19, 1910; Panama, August 19, 1911; Portugal, April 13, 1911; Rumania, March 1, 1912; Siam, March 12, 1910; and Switzerland, May 12, 1910. It will be interesting to compare this list with the adherents to the Wilson-Bryan proposal.

[11] See Appendix, page 29; full text in *Treaties, Conventions*, etc., Vol. III, 385.

the treaties was their definite employment of the commission of inquiry for its proper purpose. It should be understood that the broad principles of the definition of arbitration and the use of the commission in connection with it brought forth no objections from any quarter where the text of the treaties was understood. The truth of this can be seen by a study of the text as it finally obtained the Senate's advice and consent to ratification. Neither principle was combated, and Senator Lodge said in his report from the Committee on Foreign Relations, "The committee assents to the arbitration of all questions coming within the rule prescribed in Art. 1." The committee had no objection to the rest of the treaties, relating to a joint high commission of inquiry, as a whole. The specific objection was that by the treaties the commission's decision that a dispute came within the terms of Article 1 made arbitration of it obligatory. On that rock the treaties were wrecked.

The employment of the commission of inquiry in the Taft treaties marked a considerable departure from the character of that instrument as it had been understood. Its jurisdiction remained that of investigating, but it was invested with a quasi-legal character in that its decision whether or not a controversy fell within the definition of "justiciable by reason of being susceptible of decision by the application of the principles of law or equity" was to control the future handling of the matter. The treaties, therefore, departed to that extent from the freedom of action permitted by the Hague provisions, but the fact that they were bipartite documents was believed to avoid difficulty from that point of view. The commission was to receive any questions whether they involved principles of law or equity or not. It is an important and little recognized fact in relation to these treaties that the reference of any questions to the commission would be by special agreement, which itself would have to come before the Senate for approval and whose terms of reference the Senate would therefore be able to control. In the writer's judgment, disregard of this technical condition explained much of the opposition to the treaties.

In the Senate the revision of the treaty texts involved but two points. One was to make it clear by means of a reservation in the resolution assenting to ratification that questions of national policy should not be included in "justiciable claims of right,"—a legally obvious assertion. The other was to deprive the commission of its quasi-legal power itself to agree that "such difference is within the

scope of Art. 1," whereby it should be referred to arbitration. The power thus granted to the commission to bind the parties to arbitrate was stricken out by the Senate, which expressed the feeling by a bare majority that its freedom of action as part of the constitutional treaty-making power was thereby hampered.

The Administration had set its heart on the treaties as they were negotiated, and did not ratify them, so that they became dead letters.

THE WILSON-BRYAN PLAN

The new Administration took over the ship of state on March 4, 1913. President Wilson was known for his wide knowledge of governmental affairs, and was sympathetic with any practical method of further insuring the peace of the world. His secretary of state, William Jennings Bryan, had been for years a public man whose many speeches and addresses had made it well known that he was an ardent pacifist. Mr. Bryan's interest in the peace cause was one of the chief considerations referred to in the estimates of his probable activities as secretary of state, and there was much speculation as to whether he would attempt to revive the former administration's arbitration treaties when he came face to face with the question of renewing the 25 general arbitration treaties which the Government had signed in 1908 or 1909. The Administration might renew these, substitute for them revisions of the Taft treaties, revive the Taft treaties as advised and consented to by the Senate, or introduce a new proposal. The second and third alternatives were unlikely, since the new Administration's mandate from the people was also new.

As a matter of fact, both the first and fourth alternatives were adopted. On April 23, only six weeks after the inauguration of the new Administration, Mr. Bryan met the members of the Senate Committee on Foreign Relations to lay before them a project which had been discussed with and approved by the President, and which the Department of State intended to propose to the powers. The project Mr. Bryan presented to the committee, whose report upon any treaty presented to the Senate with a view to ratification would determine its fate, was in broad outline to place the investigation and report of a commission of inquiry before any possible declaration of war. Such an investigation would be automatic, but would not

look to arbitration nor restrict the future freedom of action of the disputants in any way.

The essential idea had been in Mr. Bryan's mind for almost seven years. He attended the 14th Conference of the Interparliamentary Union at London in July, 1906, and at that time participated in the discussions concerning a model arbitration treaty designed to secure as broad a scope as possible for that method of settling disputes. The attempt was made in that treaty project to define the questions which indubitably could be arbitrated. Baron von Plener reported the project favorably from committee on July 23, and Mr. Bryan proposed an amendment to the text in the following terms:—

> If a disagreement should occur between the contracting parties which, in the terms of the Arbitration Treaty, need not be submitted to arbitration, they shall, before declaring war or engaging in any hostilities, submit the question in controversy to the Hague Court or some other impartial international tribunal for investigation and report, each party reserving the right to act independently afterward.

The amendment was referred to the Council, and reported back to the Conference in a slightly altered form.

In introducing the amendment, Mr. Bryan said in part:—

> I cannot say that it is a new idea, for since it was presented I have learned that the same idea in substance was presented last year at Brussels by Mr. Bartholdt, of my own country, and I am very glad that I can follow in his footsteps in the urging of this amendment. I may add also that it is in line with the suggestion made by Sir Henry Campbell-Bannerman yesterday. In that splendid speech he said: If a disagreement should occur between the contracting parties which, in the terms of the arbitration treaty, need not be submitted to arbitration, they shall, before declaring war or engaging in any hostilities whatever, submit the question or questions in controversy to the Hague Court, or some other impartial tribunal, for investigation and report, each party reserving the right to act independently afterward. This amendment is in harmony with this suggestion. The resolution is in the form of a postscript to the treaty. I am not sure but the postscript in this case is as important as the letter itself, for it deals with those questions which have defied arbitration, certain questions affecting the honor or integrity of a nation considered outside the jurisdiction of a court of arbitration,—and these are the questions which have given trouble. Passion is not often aroused by questions that do not affect a nation's integrity or honor, but, for fear these questions may arise, arbitration is not always employed where it might be.
>
> The first advantage, then, of this resolution is that it secures an investigation of the facts; and if you can but separate the facts from the question of honor, the chances are a hundred to one that you can settle both the fact and the question of honor without war. There is, therefore, a great advantage in an investigation that brings out the facts, for disputed facts between nations, as between friends, are the cause of most disagreements.
>
> The second advantage of this investigation is that it gives time for calm consideration. That has already been well presented by the gentleman who has preceded me, Baron von Plener. I need not say to you that a man excited is a

very different animal from a man calm, and that questions ought to be settled, not by passion, but by deliberation. If this resolution would do nothing else but give time for reflection and deliberation, there would be sufficient reason for its adoption. If we can but stay the hand of war until conscience can assert itself, war will be made more remote. When men are mad, they swagger around and tell what they can do; when they are calm, they consider what they ought to do.

The third advantage of this investigation is that it gives opportunity to mobilize public opinion for the compelling of a peaceful settlement, and that is an advantage not to be overlooked. Public opinion is coming to be more and more a power in the world. One of the greatest statesmen my country has produced, Thomas Jefferson, said that, if he had to choose between a government without newspapers and newspapers without a government, he would rather risk the newspapers without a government. You may call it an extravagant statement, and yet it presents an idea, and that idea is that public opinion is a controlling force. . . . If time is given for marshaling the force of public opinion, peace will be promoted. This resolution is presented, therefore, for the reasons that it gives an opportunity to investigate the facts and to separate them from the question of honor; that it gives time for the calming of passion; and that it gives a time for the formation of a controlling public sentiment.

The next year the project of treaty was discussed at the Second Hague Conference, where it failed of passage owing to failure of the multifarious interests represented to agree upon the list of arbitrable questions.

It was the principle phrased in the terms just quoted that President Wilson and Mr. Bryan submitted to the Senate Committee on Foreign Relations, which signified its general approval of the principle and promised favorable consideration of any treaty embodying it. With this expression of opinion from the co-ordinate part of the treaty-making power, President Wilson on April 24 communicated to the diplomats accredited near the Government of the United States the following peace proposal:—

The parties hereto agree that all questions of whatever character and nature, in dispute between them, shall, when diplomatic efforts fail, be submitted for investigation and report to an international commission (the composition to be agreed upon); and the contracting parties agree not to declare war or begin hostilities until such investigation is made and report submitted.

The investigation shall be conducted as a matter of course upon the initiative of the commission, without the formality of a request from either party; the report shall be submitted within (time to be agreed upon) from the date of the submission of the dispute, but the parties hereto reserve the right to act independently on the subject matter in dispute after the report is submitted.

This supplementary memorandum by the secretary of state was issued at the same time:—

In the peace plan proposed by the President to all the nations, the composition of the International Commission is left to agreement between the parties

and I am authorized to suggest for the consideration of those who are willing to enter into this agreement:

1. That the International Commission be of five members, to be composed as follows: one member from each of the contracting countries, to be chosen by the Government; one member to be chosen by each of the contracting countries from some other country, and the fifth member of the Commission to be agreed upon by the two Governments, the Commission to be appointed as soon as convenient after the making of the treaty, vacancies to be filled according to the original appointment.

2. The time also is to be agreed upon, and it is suggested that that time be one year. If a year is considered too long or too short, this Government will consider either a greater or a less period.

3. This Government is prepared to consider the question of maintaining the *status quo* as to military and naval preparation during the period of investigation, if the contracting nation desires to include this, and this Government suggests tentatively that the parties agree that there shall be no change in the military and naval program during the period of investigation unless danger to one of the contracting parties from a third power compels a change in said program, in which case the party feeling itself menaced by a third power, shall confidentially communicate the matter in writing to the other contracting party and it shall thereupon be released from the obligation not to change its military or naval program, and this release will at the same time operate as a release of the other contracting party. This protects each party from the other in ordinary cases, and yet provides freedom of action in emergencies.

All of these suggestions, however, are presented for consideration, and not with the intention of imposing any fixed conditions. The principle of investigation being accepted, the details are matters for conference and consideration.

The Government naturally did not issue any detailed statement of the governments to which this proposal was made, for such a statement might later be construed as reflecting upon any which did not see fit to respond. No such consideration need control the individual, and, recalling that diplomatic circular notes are addressed to the governments with which any government maintains diplomatic relations, it may be in point to mention that at the time 39 States had diplomats accredited to Washington. The revolutionary government *de facto* in Mexico had not been recognized, and consequently Mexico was without diplomatic representation at the American capital.

In the period since April 24, 1913, until the end of the year, 31 out of the 39 had indicated acceptance of the plan,[12] leaving but 8 States with diplomatic representation at Washington which had not responded affirmatively within the exceedingly short time—diplomatically speaking—of eight months. As soon as the Department of State began to get favorable reports to the proposal, its machinery

[12] Not only has the proposal met favor with Governments, but several important organizations have indorsed it, those of semi-official character being: The First Conference of French and German Members of Parliament at Berne, Switzerland, May 11; The American Group of the Interparliamentary Union, June 25; The Interparliamentary Union, September 3.

was set to work to prepare a treaty embodying the idea. On August 7, less than three months after the proposal was made, a treaty was signed with Salvador. The list of the other contracting states and the order of the acceptances will be found on page 30 ff.

Negotiations with the other accepting powers were conducted continuously, it being the evident intention to complete treaties with the smaller powers before formally initiating negotiations with the larger ones. Before the European war broke out 30 treaties had been signed, the contracting states including many of the most important powers and practically all of Latin America. Departments of foreign relations everywhere had many delicate problems thrust upon them by the European conflict, so that since August, 1914, the opportunity for initiating the negotiation of treaties without direct application to current affairs has not been good. The treaties already signed, however, took the normal course of progress toward ratification. As the several steps necessary to bring a treaty into force are completed, these conventions are proclaimed by the Government of the United States and the other contracting Governments. Though there are variations in language in some of the treaties in force, they all conform to one general model.[13] The following is the text of the first treaty to enter into force:

TREATY FOR THE ADVANCEMENT OF PEACE

The United States of America and the Republic of Guatemala, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose and to that end have appointed as their plenipotentiaries:

The President of the United States, the Honorable William Jennings Bryan, Secretary of State; and

The President of Guatemala, Señor Don Joaquin Méndez, Envoy Extraordinary and Minister Plenipotentiary of Guatemala to the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon the following articles:

Article I.

The high contracting parties agree that all disputes between them, of every nature whatsoever, which diplomacy shall fail to adjust,

[13] For an analysis of the formulas employed in all the treaties in force up to October 1, 1916, see "The Bryan Peace Treaties," an editorial comment by George A. Finch in the *American Journal of International Law*, 10, 882–890.

shall be submitted for investigation and report to an International Commission, to be constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and report.[14]

Article II.

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments. The expenses of the Commission shall be paid by the two Governments in equal proportion.

The International Commission shall be appointed within four months after the exchange of the ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

Article III.

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, act upon its own initiative, and in such case it shall notify both Governments and request their co-operation in the investigation.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The high contracting parties reserve the right to act independently on the subject-matter of the dispute after the report of the Commission shall have been submitted.[15]

[14] Another form of this article which bas been employed frequently is to be found in the treaty with the Netberlands, as follows:—

"The High Contracting Parties agree tbat all disputes between tbem, of every nature whatsoever, to tbe settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted."

[15] The first treaties signed contained a provision which appears in no treaty tbat has been ratified. Tbe provision referred to was in the following terms:—

"Pending the investigation and report of the International Commission, tbe higb contracting parties agree not to increase their military or naval programs, unless danger from a third power should compel such increase, in which case the party feeling itself menaced shall confidentially communicate the fact in writing to the other contracting party, whereupon the latter shall also be released from its obligation to maintain its military and naval *status quo*."

ARTICLE IV.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Republic of Guatemala, with the approval of the Congress thereof; and the ratifications shall be exchanged as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the high contracting parties have given notice to the other of an intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in Washington on the 20th day of September, in the year of our Lord nineteen hundred and thirteen.

It can be seen from the mere recital of the remarkable record of the proposal that it introduces a virile principle among the existing methods for the pacific settlement of international disputes. A comparison of it with its prototypes will make clear the quality of the advance toward peace which is its foundation and *raison d'être*.

The commission of inquiry as formerly established was a commission *ad hoc*, to be organized for a specific case. It was purely optional in character, and had no reference to the transition from the normal status of peace to the abnormal one of war, which has been practically held to be a condition which a state entered at its own discretion or lack of discretion. The commission was primarily designed to perform the function of a master appointed by an Anglo-Saxon court or the *juge d'instruction* of the Roman legal system,—to find and determine facts.

Acting upon the fundamental proposition that facts cannot be avoided, and should have no terrors for any right-minded government, the series of American treaties develops this machinery logically. Carried into force, it renders it impossible that any governments bound by it should ever go into war without knowing precisely what they were fighting about. The commission being a good thing, it is made permanent. From being optional for any case, it becomes obligatory and automatic for "all disputes, of every nature whatsoever, which diplomacy shall fail to adjust." It has been said that the descent to hell is easy: the transition from peace to war is no less so, and it has happened in the past that excited public opinion has forced war without cooler heads being able to apply any brake.

The American treaties introduce such a brake, and insure that no war will be fought until after the sober second thought of governments and people.

In the healthy condition of international affairs the ordinary diplomatic method of negotiation takes care of all questions arising, and probably solves 95 per cent. of all questions "as all in the day's work." But diplomacy finds it difficult to digest the remainder, and from these questions, in their degree, there emerges the possibility of sickness in the body politic. A very few of them occasionally threaten more than a day or two of "not feeling well," and appear to portend the real sickness of war for the state. For this condition, arbitration has been prescribed in the past. Arbitration involves some formality and an actual prescription in the shape of an award. If arbitration be likened to the conclusion of a council of physicians, the commission of inquiry may be held similar to the friendly consultation of the family physician, who tells the patient the facts in his case and leaves it to his good judgment whether or not he will call in the specialists.

The success of the American proposal may be defined as due to its strict adherence to the principle of the commission of inquiry; the advance it records is that of the greatest possible development yet made within the limits of that principle.[16] It brings forward into the range of practical affairs the well-attested maxim that war will not come in cold blood from a dispute the facts of which are thoroughly attested. It goes no further, for freedom of action is reserved by both parties after the commission's work is done.

Several technical points may be mentioned regarding the relation of the treaties already signed to the American system of government. The fact that the commission becomes a permanent one makes appointments to it on the part of the United States subject to confirmation by the Senate. On this account the Senate, as a co-ordinate part of the treaty-making power, is in a position always to secure commission members for the American quota who are satisfactory to it. Article III provides that the parties may refer a dispute to the commission or the commission may act on its own initiative. The latter alternative offers a new problem, for hitherto commissions have acted *ad hoc* with their jurisdiction laid down by the governments. The first alternative implies the intention of negotiating a

[16] The fullest development of the principle is that called for by the program of the League to Enforce Peace, a council of conciliation which would be formed jointly by many states rather than only by pairs of states.

special convention, which would come before the Senate. The second would doubtless result in the same procedure, for the commission's initiative is restricted to initiative, after which the co-operation of the governments must be obtained. But, practical procedure aside, the fact that the parties reserve the right to act independently after the report has been made clearly eludes the objection of undue binding of the legislative power.

APPENDIX I.—THE TAFT ARBITRATION TREATY.

(Senate desired to strike out part in brackets.)

ARTICLE II. The High Contracting Parties further agree to institute as occasion arises, and as hereinafter provided, a Joint High Commission of Inquiry to which, upon the request of either Party, shall be referred for impartial and conscientious investigation any controversy between the Parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of Article I; provided, however, that such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either Party desires such postponement.

Whenever a question or matter of difference is referred to the Joint High Commission of Inquiry, as herein provided, each of the High Contracting Parties shall designate three of its nationals to act as members of the Commission of Inquiry for the purposes of such reference; or the Commission may be otherwise constituted in any particular case by the terms of reference, the membership of the Commission and the terms of reference to be determined in each case by an exchange of notes.

The provisions of Articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on the 18th October, 1907, so far as applicable and unless they are inconsistent with the provisions of this Treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the Commission.

ARTICLE III. The Joint High Commission of Inquiry, instituted in each case as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

[It is further agreed, however, that in cases in which the Parties disagree as to whether or not a difference is subject to arbitration under Article I of this Treaty, that question shall be submitted to the Joint High Commission of Inquiry; and if all or all but one of the members of the Commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this Treaty.]

AMERICAN TREATIES AND COMMISSIONS FOR THE ADVANCEMENT OF PEACE.[1]

(Corrected to October, 1916.)

The stages of these treaties are:
1. Negotiation proposed by identic note, accepted in principe;
2. Negotiation, resulting in treaties signed;
3. Ratification advised by parliamentary organs (where necessary);
4. Ratification by executives of states;
5. Exchange of ratifications;
6. Proclamation, promulgation or publication of treaties to people.
7. Appointment of commissioners.

In Force.

BOLIVIA.—Order of acceptance in principle, 11; seventh treaty, signed at Washington, January 22, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, January 4, 1915; ratified by Bolivia, November 14, 1914; ratifications exchanged at Washington, January 8, 1915; proclaimed January 9, 1915; in force for five years from exchange of ratifications, January 8, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 606.

Commissioners: On the part of the United States: A. R. Talbot, of Nebraska; on the part of Bolivia: Severo Fernández Alonzo, formerly president of Bolivia, and Santiago Pérez Triana, of Colombia; joint commissioner:——.

BRAZIL.—Order of acceptance in principle, 4; twentieth treaty, signed at Washington, July 24, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, November 22, 1915; ratified by Brazil, June 22, 1916; ratifications exchanged at Washington, October 28, 1916; proclaimed, October 30, 1916; in force for five years from exchange of ratifications, October 28, 1916, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 627.

CHILE.—Order of acceptance in principle, 22; twenty-first treaty, signed at Washington, July 24, 1914; ratification advised by United States Senate, August 20, 1914; ratified by the President, November 11, 1915; ratified by Chile, November 9, 1915; ratifications exchanged at Washington, January 19, 1916; proclaimed, January 22, 1916; in force for five years from exchange of ratifications, January 19, 1916, and successively for periods of five years until notice of intention to terminate; text, *Treaty Series*, No. 621.

CHINA.—Order of acceptance in principle, 14; twenty-third treaty, signed at Washington, September 15, 1914; ratification advised by United States Senate, October 12, 1914; ratified by the President, June 17, 1915; ratified by China, June 18, 1915; ratifications exchanged at Washington, October 22, 1915; proclaimed, October 23, 1915; in force for five years from exchange of ratifications, October 22, 1915, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 619; exchange of notes extending time for appointment of the commission under article

[1] A treaty modeled after these American engagements was signed by the ministers for foreign affairs of the Argentine Republic, Brazil and Chile at Buenos Aires on May 25, 1915. The Argentine senate approved the treaty on September 22, 1915, and Brazil ratified it on November 10, 1915.

Articles 9 and 10 of the convention between United States and Great Britain concerning the boundary waters between the United States and Canada, signed at Washington January 11, 1909, contain provisions of a similar character. The convention establishes an International Joint Commission, which has been active for several years.

2 from April 22, 1916, to August 1, 1916, signed at Washington, May 11–19, 1916; text, *Treaty Series*, No. 619–A.

Commissioners: On the part of the United States: Andrew D. White, of New York, and H. J. Horst, president of the Norwegian Interparliamentary Union and president of the Norwegian Lything; on the part of China: Vi Kyuin Wellington Koo, Chinese minister at Washington, and Henri de Codt, adviser to the Chinese Foreign Office; joint commissioner: Knut Hjalmar Leonard de Hammarskjöld, premier of Sweden.

COSTA RICA.—Order of acceptance in principle, 24; eleventh treaty, signed at Washington, February 13, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, November 11, 1914; ratified by Costa Rica, July 25, 1914; ratifications exchanged at Washington, November 12, 1914; proclaimed, November 13, 1914; in force for five years from exchange of ratifications, November 12, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 603.

Commissioners: On the part of the United States: James B. McCreary, of Kentucky; on the part of Costa Rica: ——; joint commissioner: ——.

DENMARK.—Order of acceptance in principle, 21; tenth treaty, signed at Washington, February 5, 1914; ratified by Danish House, February 27, 1914; rejected by Danish Senate, March 28, 1914; redrafted and signed at Washington, April 17, 1914; ratification advised by United States Senate, September 30, 1914; ratified by President, January 14, 1915; ratified by Denmark, November 21, 1914; ratifications exchanged at Washington, January 19, 1915; proclaimed, January 20, 1915; in force for five years from exchange of ratifications, January 19, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 608.

Commissioners: On the part of the United States: Judson Harmon, of Ohio, and José Carlos Rodríguez, of Brazil; on the part of Denmark: J. H. Deuntzer, formerly Danish minister for foreign affairs, and Erik Trolle, governor of Linkping, Sweden, formerly Swedish minister for foreign affairs; joint commissioner: J. Loudon, minister for foreign affairs of the Netherlands.

ECUADOR.—Order of acceptance in principle, 32; twenty-eighth treaty, signed at Washington, October 13, 1914; ratification advised by United States Senate, October 20, 1914; ratified by the President, January 4, 1916; ratified by Ecuador, November 10, 1915; ratifications exchanged at Washington, January 22, 1916; proclaimed, January 24, 1916; in force for five years from exchange of ratifications, January 22, 1916, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 622.

FRANCE.—Order of acceptance in principle, 3; twenty-fourth treaty, signed at Washington, September 15, 1914; ratification advised by United States Senate, September 25, 1914; ratified by the President, January 14, 1915; ratified by France, December 3, 1914; ratifications exchanged at Washington, January 22, 1915; proclaimed, January 23, 1915; in force for five years from exchange of ratifications, January 22, 1915, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 609; exchange of notes extending time for appointment of the commission under article 2 from July 22, 1915, to January 1, 1916, signed at Washington, November 10, 1915; text, *Treaty Series*, No. 609–A.

Commissioners: On the part of the United States: Richard Olney, of Massachusetts, and Rómulo S. Naón, ambassador of Argentina to the United States; on the part of France: Louis Renault, French jurist, and Henri Carton de Wiart, Belgian minister of justice; joint commissioner: J. Loudon, minister for foreign affairs of the Netherlands.

GREAT BRITAIN.—Order of acceptance in principle, 2; twenty-fifth treaty, signed at Washington, September 15, 1914; ratification advised by United States Senate, September 25, 1914; ratified by the President, November 4, 1914; ratified by Great Britain, October 8, 1914; ratifications exchanged at Washington, November 10, 1914; proclaimed, November 11, 1914; in force for five years from exchange of ratifications, November 10, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 602; exchange of notes extending time for appointment of the commission under article 2 from May 10, 1915, to January 1, 1916, signed at Washington, November 3, 1915; text, *Treaty Series*, No. 602–A.

Commissioners: On the part of the United States: George Gray, of Delaware, and Domicio da Gama, Brazilian ambassador at Washington; on the part of Great Britain: Right Honorable Viscount James Bryce, O.M. (Great Britain [1]); Right Honorable Sir Charles Fitzpatrick (Canadian representative); Right Honorable Sir George Houstoun Reid, High Commissioner for Australia in London (Australian representative); W. P. Schreiner, high commissioner for the Union of South Africa in London (South African Union representative); Sir Robert Stout, K.C.M.G., chief justice of the Supreme Court of New Zealand (New Zealand representative); Sir William Horwood, chief justice of the Colony (Newfoundland representative); and Maxim Kovaleski, Liberal member of the Council of the Russian Empire; joint commissioner: Fridtjof Nansen, of Norway.

GUATEMALA.—Order of acceptance in principle, 16; second treaty, signed at Washington, September 20, 1913; ratification advised by the Senate, with amendments, August 13, 1914; ratified by the President, August 27, 1914; ratified by Guatemala, May 15, 1914; ratifications exchanged at Washington, October 13, 1914; proclaimed, October 13, 1914; in force for five years from exchange of ratifications, October 13, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 598; exchange of notes extending time for appointment of the commission under article 2 from February 13, 1915, to January 1, 1916, signed at Washington, November 3, 1915; text, *Treaty Series*, No. 598–A; exchange of notes extending time for appointment of the commission under article 2 from January 1, 1916, to July 1, 1916, signed at Washington, June 1, 1916; text, *Treaty Series*, No. 598–B.

Commissioners: On the part of the United States: William J. Stone, of Missouri, and Paul Ritter, minister of Switzerland at Washington; on the part of Guatemala: José Pinto, formerly president of the Supreme Court of Guatemala, and Domicio da Gama, ambassador of Brazil at Washington; joint commissioner: J. Loudon, minister for foreign affairs of the Netherlands.

HONDURAS.—Order of acceptance in principle, 29; fourth treaty, signed at Washington, November 13, 1913; ratification advised by United States Senate, with amendments, August 13, 1914; ratified by the President, July 20, 1916; ratified by Honduras, May 29, 1916; ratifications exchanged at Washington, July 27, 1916; proclaimed, July 28, 1916; in force for five years from exchange of ratifications, July 27, 1916, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 625.

[1] "In the event of its appearing to His Majesty's Government that the Britisb interests affected by the dispute to be investigated are not mainly those of the United Kingdom but are mainly those of some one or more of the self-governing dominions, namely the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of Soutb Africa, and Newfoundland, His Majesty's Government shall be at liberty to substitute as the member cbosen by them to serve on the international commission for sucb investigation and report another person selected from a list of persons to be named one for each of the self-governing dominions but only one shall act, namely, that one who represents the dominion immediately interested."—Article III, second paragraph, of the treaty.

ITALY.—Order of acceptance in principle, 1; fifteenth treaty, signed at Washington, May 5, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, March 17, 1915; ratified by Italy, November 29, 1914; ratifications exchanged at Washington, March 19, 1915; proclaimed, March 24, 1915; in force for five years from exchange of ratifications, March 19, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 615; exchange of notes extending time for appointment of the commission under article 2 from September 19, 1915, to January 1, 1916, signed at Washington, September 18, 1915; text, *Treaty Series*, No. 615½.

Commissioners: On the part of the United States: George L. MacKintosh, of Indiana, and Eduardo Suárez-Mujica, of Chile; on the part of Italy: Baron Edmondo Mayor des Planches and Mr. van Iseghen, of Belgium; joint commissioner: Gregers W. W. Gram, of Norway.

NORWAY.—Order of acceptance in principle, 6; sixteenth treaty, signed at Washington, June 24, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, October 14, 1914; ratified by Norway, September 18, 1914; ratifications exchanged at Washington, October 21, 1914; proclaimed by President, October 22, 1914; in force for five years from exchange of ratifications, October 21, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 599; exchange of notes extending time for appointment of the commission under article 2 from February 21, 1915, "until the contracting parties are able to complete the selection," signed at Washington, January 7–12, 1915; text, *Treaty Series*, No. 599½.

Commissioners: On the part of the United States: James Brown Scott, of the District of Columbia; on the part of Norway: Jørgen Løvland, president of the Storthing; joint commissioner. ——.

PARAGUAY.—Order of acceptance in principle, 27; twenty-second treaty, signed at Asuncion, August 29, 1914; ratification advised by United States Senate, October 22, 1914; ratified by the President, October 26, 1914; ratified by Paraguay, March 9, 1915; ratifications exchanged at Asuncion, March 9, 1915; proclaimed by the President, March 17, 1915; in force for five years from exchange of ratifications, March 9, 1915, and then until 1 year after notice of intention to terminate; text, *Treaty Series*, No. 614; exchange of notes extending time for appointment of the commission under article 2 from July 9, 1915, to January 15, 1916, signed at Washington, November 16, 1915; text, *Treaty Series*, No. 614–A.

Commissioners: On the part of the United States: W. S. Jennings, of Florida; on the part of Paraguay: —— ; joint commissioner: ——.

PERU.—Order of acceptance in principle, 8; seventeenth treaty, signed at Lima, July 14, 1914; ratification advised by United States Senate, August 20, 1914; ratified by the President, December 1, 1914; ratified by Peru, January 26, 1915; ratifications exchanged at Lima, March 4, 1915; proclaimed by the President, March 6, 1915; in force for five years from exchange of ratifications, March 4, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 613.

Commissioners: On the part of the United States: Eugene Wambaugh, of Massachusetts; on the part of Peru: Anselmo Barreto, associate justice of the Supreme Court of Peru, and Juan Zorrilla de San Martin, of Uruguay; joint commissioner: ——.

PORTUGAL.—Order of acceptance in principle, 19; ninth treaty, signed at Lisbon, February 4, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, October 21, 1914; ratified by Portugal, September 26, 1914; ratifications exchanged at Washington, October 24, 1914; proclaimed by the President, October 27, 1914; in force for five years from exchange of

ratifications, October 24, 1914, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 600; exchange of notes extending time for appointment of the commission under article 2 from April 24, 1915, to April 24, 1916, signed at Washington, November 16, 1915; text, *Treaty Series*, No. 600–A.

Commissioners: On the part of the United States: James M. Cox, of Ohio, and Sir Robert L. Borden, premier of Canada; on the part of Portugal: Barbosa Magalhaes, deputy, former minister of justice and professor at the University of Lisbon, and Mr. Sanchez Toca, president of the Senate of Spain; joint commissioner: Lauro S. Müller, minister for foreign affairs of Brazil.

RUSSIA.—Order of acceptance in principle, 7; twenty-seventh treaty, signed at Washington, September 18/October 1, 1914; ratification advised by United States Senate, October 13, 1914; ratified by the President, January 23, 1915; ratified by Russia, December 23, 1914; ratifications exchanged at Washington, March 22, 1915; proclaimed by the President, March 25, 1915; in force for five years from exchange of ratifications, March 22, 1915, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 616.

Commissioners: On the part of the United States: Edwin A. Alderman, of Virginia, and Charles R. Crane, of New York; on the part of Russia: Mr. Timacheff, secretary of state and member of the Council of the Empire, and Baron Nolde, chief law officer of the imperial ministry for foreign affairs; joint commissioner: G. F. Hagerup, Norwegian minister to Denmark.

SPAIN.—Order of acceptance in principle, 18; twenty-sixth treaty, signed at Washington, September 15, 1914; ratification advised by United States Senate, September 25, 1914; ratified by the President, November 23, 1914; ratified by Spain, November 23, 1914; ratifications exchanged at Washington, December 21, 1914; proclaimed December 23, 1914; in force for five years from exchange of ratifications, December 21, 1914, and, failing denunciation 6 months at least before expiration of period, until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 605; exchange of notes extending time for appointment of the commission under article 2 from June 21, 1915, to February 15, 1916, signed at Washington, November 16–December 20, 1915; text, *Treaty Series*, No. 605–A.

Commissioners: On the part of the United States: Cyrus Northrup, of Minnesota, and Ignacio Calderón, minister of Bolivia at Washington; on the part of Spain: Pio de Gullon Yglesias, senator of Spain, and Pablo Speisser, of Switzerland; joint commissioner: J. Loudon, minister for foreign affairs of the Netherlands.

SWEDEN.—Order of acceptance in principle, 5; thirtieth treaty, signed at Washington, October 13, 1914; ratification advised by United States Senate, October 22, 1914; ratified by the President, January 4, 1915; ratified by Sweden, November 13, 1914; ratifications exchanged at Washington, January 11, 1915; proclaimed, January 12, 1915; in force for five years from exchange of ratifications, January 11, 1915, and, failing denunciation 6 months at least before expiration of period, by tacit renewals for periods of five years; text, *Treaty Series*, No. 607; exchange of notes extending time for appointment of the commission under article 2 from July 11, 1915, to January 15, 1916, signed at Washington, November 16, 1915; text, *Treaty Series*, No. 607–A.

Commissioners: On the part of the United States: Samuel Avery, of Nebraska, and Baron d'Estournelles de Constant, a French senator; on the part of Sweden: Judge J. Hellner, LL.D., and G. F. Hagerup, LL.D., Ph.D., Norwegian minister to Denmark; joint commissioner: J. A. Loeff, of the Netherlands.

URUGUAY.—Order of acceptance in principle, 35; eighteenth treaty, signed at Washington, July 20, 1914; ratification advised by United States Senate, August 13, 1914; ratified by the President, February 19, 1915; ratified by Uruguay, November 25, 1914; ratifications exchanged at Washington, February 24, 1915; proclaimed, February 26, 1915; in force for five years from exchange of ratifications, February 24, 1915, and then until 12 months after notice of intention to terminate; text, *Treaty Series*, No. 611.

Commissioners: On the part of the United States: Harry B. Hutchins, of Michigan; on the part of Uruguay: ——; joint commissioner: ——.

Signed.

ARGENTINE REPUBLIC.—Order of acceptance in principle, 13; nineteenth treaty, signed at Washington, July 24, 1914; ratification advised by United States Senate, August 13, 1914.

DOMINICAN REPUBLIC.—Order of acceptance in principle, 15; thirteenth treaty, signed at Washington, February 17, 1914.

GREECE.—Order of acceptance in principle, 34; twenty-ninth treaty, signed at Washington, October 13, 1914; ratification advised by United States Senate, October 20, 1914.

NETHERLANDS.—Order of acceptance in principle, 10; sixth treaty, signed at Washington, December 18, 1913; ratification advised by United States Senate, August 13, 1914.

NICARAGUA.—Order of acceptance in principle, 30; fifth treaty, signed at Washington, December 17, 1913; ratification advised by United States Senate, August 13, 1914.

PANAMA.—Order of acceptance in principle, 28; third treaty, signed at Washington, September 20, 1913.

PERSIA.—Order of acceptance in principle, 31; eighth treaty, signed at Teheran, February 4, 1914; ratification advised by United States Senate, August 13, 1914.

SALVADOR.—Order of acceptance in principle, 25; first treaty, signed at Washington, August 7, 1913; ratification advised by United States Senate, August 13, 1914.

SWITZERLAND.—Order of acceptance in principle, 26; twelfth treaty, signed at Washington, February 13, 1914; ratification advised by United States Senate, August 13, 1914.

VENEZUELA.—Order of acceptance in principle, 33; fourteenth treaty, signed at Caracas, March 21, 1914; ratification advised by United States Senate, August 13, 1914.

Accepted in Principle.

AUSTRIA-HUNGARY.—Order of acceptance in principle, 9; invited to negotiate, September 15, 1914.

BELGIUM.—Order of acceptance in principle, 20.

CUBA.—Order of acceptance in principle, 23.

GERMANY.—Order of acceptance in principle, 12; invited to negotiate, September 15, 1914.

HAITI.—Order of acceptance in principle, 17.

World Peace Foundation

40 MT. VERNON STREET

BOSTON

Single copies of all pamphlets free
Complete list of publications on application

League to Enforce Peace

The Foundations of a League of Peace. By G. Lowes Dickinson.
A League to Enforce Peace. By A. Lawrence Lowell.
The Outlook for International Law with letter commending the League to Enforce Peace. By Elihu Root.
The Monroe Doctrine and the Program of the League to Enforce Peace. By George Grafton Wilson.
The Conciliation Plan of the League to Enforce Peace, with American treaties in force.
Historical Light on the League to Enforce Peace.

The Work of the Hague Conferences

American Addresses at the Second Hague Conference. Edited by James Brown Scott. 8vo, xlviii+217 pages. Cloth-bound, postpaid $1.50

First Hague Conference. By Andrew D. White. 8vo, vi+125 pages. Cloth-bound, postpaid 55

Immunity of Private Property at Sea. By Joseph H. Choate.

Instructions to the American Delegates to the Hague Conferences, 1899 and 1907. By Hon. John Hay and Hon. Elihu Root, Secretaries of State.

Record of The Hague. By Denys P. Myers.

Texts of the Peace Conferences at The Hague, 1899 and 1907. Edited by James Brown Scott. 8vo, xxxiv+447 pages. Cloth-bound, postpaid 1.65

Towards International Government. By John A. Hobson. 216 pages. Cloth-bound, postpaid 50

Two Hague Conferences. By William I. Hull. 8vo, xiv+516 pages. Cloth-bound, postpaid 1.65

World Peace Foundation

Pamphlet Series

HISTORICAL LIGHT

ON THE

LEAGUE TO ENFORCE PEACE

Contents

I. An International Court . . . 6
II. Conciliation Council . . . 12
III. Sanctions 17
IV. Conferences to Develop Law . . 21

Published Bimonthly by the
WORLD PEACE FOUNDATION
40 MT. VERNON STREET, BOSTON

December, 1916
Vol. VI. No. 6

Entered as second-class matter January 15, 1913, at the post-office at Boston, Mass., under the Act of August 24, 1912

THE PRESIDENT OF THE UNITED STATES

First Annual Assemblage, League to Enforce Peace, May 27, 1916:

I am sure that I speak the mind and wish of the people of America when I say that the United States is willing to become a partner in any feasible association of nations formed in order to realize these objects and make them secure against violation. . . .

I came only to avow a creed and give expression to the confidence I feel that the world is even now upon the eve of a great consummation, when some common force will be brought into existence which shall safeguard right as the first and most fundamental interest of all peoples and all governments, when coercion shall be summoned not to the service of political ambition or selfish hostility, but to the service of a common order, a common justice and a common peace.

Diplomatic Note to Belligerent Powers, December 18, 1916:

Each wishes itself to be made secure in the future, along with all other nations and peoples, against the recurrence of wars like this and against aggression of selfish interference of any kind. Each would be jealous of the formation of any more rival leagues to preserve an uncertain balance of power amidst multiplying suspicions; but each is ready to consider the formation of a league of nations to insure peace and justice throughout the world. . . .

In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or Government. They stand ready, and even eager, to co-operate in the accomplishment of these ends, when the war is over, with every influence and resource at their command.

THE LEAGUE TO ENFORCE PEACE

THE WARRANT FROM HISTORY

PREAMBLE TO THE PROGRAM

Throughout five thousand years of recorded history peace, here and there established, has been kept, and its area has been widened, in one way only. Individuals have combined their efforts to suppress violence in the local community. Communities have co-operated to maintain the authoritative state and to preserve peace within its borders. States have formed leagues or confederations or have otherwise co-operated to establish peace among themselves. Always peace has been made and kept, when made and kept at all, by the superior power of superior numbers acting in unity for the common good.

Mindful of this teaching of experience, we believe and solemnly urge that the time has come to devise and to create a working union of sovereign nations to establish peace among themselves and to guarantee it by all known and available sanctions at their command, to the end that civilization may be conserved, and the progress of mankind in comfort, enlightenment and happiness may continue.

PROGRAM OF THE LEAGUE

THE DEFINITE PROPOSALS

We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

International Court. *First:* All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Council of Conciliation. *Second:* All other questions arising between the signatories, and not settled by negotiation, shall be submitted to a council of conciliation for hearing, consideration and recommendation.

Sanctions. *Third:* The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.

The following interpretation of Article Three has been authorized by the Executive Committee:

"The signatory powers shall jointly employ diplomatic and economic pressure against any one of their number that threatens war against a fellow signatory without having first submitted its dispute for international inquiry, conciliation, arbitration or judicial hearing, and awaited a conclusion, or without having in good faith offered so to submit it. They shall follow this forthwith by the joint use of their military forces against that nation if it actually goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be dealt with as provided in the foregoing."

Conferences to Develop Law. *Fourth:* Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the Judicial Tribunal mentioned in Article One.

HISTORICAL LIGHT
ON THE
LEAGUE TO ENFORCE PEACE

The program of the League to Enforce Peace was drawn up as a practical program. It makes its way in the minds of men and women just because it is practical and possible of realization. It is a reasonable plan, and is so recognized by innumerable American citizens and even by the governments of belligerent nations. To show that such confidence is not based upon untried theories but rests upon a large body of international experience is the purpose of this summary. What use has already been made of the several principles involved in this program? Here is the answer.

PART I.

The First Article of the League Program.

AN INTERNATIONAL COURT.

> All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

The principle here involved has long been in operation internationally under the name of arbitration. This article contemplates its development into an international court. The extent to which nations are already committed to this practice is most encouraging.

1. The Hague Convention for the Pacific Settlement of International Disputes, signed on July 29, 1899, affirms:

> In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the signatory powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.

2. The provision was repeated in the revised convention of the Second Hague Conference in 1907, and has been ratified by the following powers:

POWERS RATIFYING ARBITRATION.

Argentine Republic, June 15, 1907
Austria-Hungary, Sept. 4, 1900; Nov. 27, 1909
Belgium, Sept. 4, 1900; Aug. 8, 1910
Bolivia, June 15, 1907; Nov. 27, 1909
Brazil, June 15, 1907; Jan. 5, 1914
Bulgaria, Sept. 4, 1900
Chile, June 15, 1907
China, Nov. 21, 1904; Nov. 27, 1909
Colombia, June 15, 1907
Cuba, June 15, 1907; Feb. 22, 1912
Denmark, Sept. 4, 1900; Nov. 27, 1909
Dominican Republic, June 15, 1907
Ecuador, July 3, 1907
France, Sept. 4, 1900; Oct. 7, 1910
Germany, Sept. 4, 1900; Nov. 27, 1909
Great Britain, Sept. 4, 1900; Nov. 27, 1909
Greece, April 4, 1901
Guatemala, June 15, 1907; March 15, 1911
Haiti, June 15, 1907; Feb. 2, 1910
Italy, Sept. 4, 1900
Japan, Oct. 6, 1900; Dec. 13, 1911
Luxemburg, July 12, 1901; Sept. 5, 1912
Mexico, April 17, 1901; Nov. 27, 1909
Montenegro, Oct. 16, 1900
Netherlands, Sept. 4, 1900; Nov. 27, 1909
Nicaragua, June 15, 1907; Dec. 16, 1909
Norway, Sept. 4, 1900; Sept. 19, 1910
Panama, June 15, 1907; Sept. 11, 1911
Paraguay, June 15, 1907
Persia, Sept. 4, 1900
Peru, June 15, 1907
Portugal, Sept. 4, 1900; April 13, 1911
Rumania, Sept. 4, 1900; March 1, 1912
Russia, Sept. 4, 1900; Nov. 27, 1909
Salvador, June 20, 1907; Nov. 27, 1909
Servia, May 11, 1901
Siam, Sept. 4, 1900; March 12, 1910
Spain, Sept. 4, 1900; March 18, 1913
Sweden, Sept. 4, 1900; Nov. 27, 1909
Switzerland, Dec. 29, 1900; May 12, 1910
Turkey, June 12, 1907
United States, Sept. 4, 1900; Nov. 27, 1909
Uruguay, June 17, 1907
Venezuela, June 15, 1907

3. Arbitration, in order to be appreciated as a pacific force, must be considered from several points of view.

I. **Arbitration Cases,** or the trial of actual controversies submitted to tribunals chosen by the disputants;

II. **Arbitration Treaties,** providing for this method of settling international disputes;

III. **Arbitration Courts,** which, owing to the success of arbitrations and the negotiation of arbitration treaties, have made great headway in the past twenty years.

I. *Arbitration Cases.*

The settlement of disputes by arbitration has become well known since the famous Jay treaty of 1794 between the United States and

Great Britain. That treaty, however, simply reintroduced the principle into practice, for arbitration had been employed extensively by the ancient world and in Europe, after the collapse of the Roman Empire. A partial list of arbitrations by periods follows:

TABLE OF ARBITRATIONS.

Ancient Greece, 425–100 B.C.	82[1]
Medieval and Modern Europe, 800–1794, at least	200[2]
Modern Period, 1794–1900	477[3]
Hague Period, 1900–date, at least	200[4]
Total	959

II. *Arbitration Treaties.*

Definite agreements to submit to arbitration controversies that may arise have usually been negotiated between nations in pairs, or in comparatively small groups. The existing agreements of that character at the outbreak of the European war were as follows:

ARBITRATION TREATIES IN FORCE, 1914.

Signed	Number
1825–1834	2
1835–1844	1
1845–1854	1
1855–1864	2
1865–1874	11
1875–1884	9
1885–1894	10
1895–1904	50
1905–1914	123
	209

[1] The figure for ancient Greece is taken from Marcus Niebuhr Tod, *International Arbitration amongst the Greeks.*

[2] The figure for the period from 800 to 1794 is estimated from data, which is incomplete. The archives of Poland alone from the 13th to 16th centuries record a round hundred arbitrations.

[3] The figure for 1794 to 1900 is the total of W. Evans Darby's descriptive and reference list, published as an integral supplement to his *International Tribunals* and issued separately under the title of *Modern Pacific Settlements.*

[4] The figure for 1900 to date is estimated from data collected by this office, which is incomplete. More than 50 arbitrations occurred in the years from 1900 to 1903.

NATIONS WITH TREATIES IN FORCE, 1914.

Argentine Republic	19	Italy	25
Austria-Hungary	8	Japan	1
Belgium	14	Mexico	13
Brazil	33	Netherlands	7
Including Constitution of 1891.		Nicaragua	11
Chile	4	Norway	13
China	2	Panama	4
Colombia	12	Paraguay	6
Costa Rica	13	Persia	1
Cuba	2	Peru	17
Denmark	13	Portugal	18
Dominican Republic	8	Including Constitution of 1911.	
Including Constitution of 1908.		Rumania	1
Ecuador	10	Russia	7
France	16	Salvador	20
Germany	1	Siam	5
Great Britain	17	Spain	31
Greece	4	Sweden	13
Guatemala	14	Switzerland	14
Haiti	2	United States	28
Honduras	13	Uruguay	11
		Venezuela	8
		Including Constitution of 1904.	

Of all these treaties, it is significant that only three were in force between those states which have become belligerents on opposing sides in the present war. Of the three, that between Germany and Great Britain expired by limitation on July 1, 1914, or 35 days before the contracting states were at war. The other two treaties were between Austria-Hungary and Great Britain and between Austria-Hungary and Portugal, respectively.[1]

There are in addition to the foregoing many treaty articles which provide for the arbitration of questions arising from the subject matter of the treaties in which they are included. Such provisions are called compromisory clauses, and at the outbreak of the war were included in 145 treaties, dealing with 74 of the subjects most frequently regulated by international agreement.[2]

[1] For details concerning treaties see *Arbitration Engagements now Existing in Treaties, Treaty Provisions and National Constitutions.* (World Peace Foundation, Pamphlet Series.)

[2] For details concerning compromisory clauses, see Christian L. Lange, *L'Arbitrage obligataire en 1913. Relevé des stipulations conventionnelles en vigueur en 1913 instituant le recours obligatoire à l'arbitrage international*, 309–335, 343–352.

III. *Arbitration Courts.*

The impulse given to methods of pacific settlement of international disputes by the convening of the Hague Conference of 1899 has resulted in the establishment, or the effort to establish, several courts. These are:

1. A PERMANENT COURT OF ARBITRATION, established at The Hague by conventions signed July 29, 1899. The court "is accessible at all times" and "competent for all arbitrations," but the actual trial court must be selected for each case from a panel in which the 44 states party to the convention have each designated four nationals. It has tried 15 cases and has three pending.

2. THE CENTRAL AMERICAN COURT OF JUSTICE, established by convention signed at Washington on December 20, 1907, and now located at San José, Costa Rica. Its function is virtually that of a supreme court for the five states of Central America, Costa Rica, Guatemala, Honduras, Nicaragua and Salvador. Nine matters have been handled by the Court.

3. COURT OF ARBITRAL JUSTICE, provided for by the Final Act of the Second Hague Conference, signed on October 18, 1907, but not actually established. The draft convention providing for its organization was designed to create a permanent court of 15 members to supplement and improve the panel system in effect in the Permanent Court of Arbitration.

4. INTERNATIONAL PRIZE COURT, provided for by a convention signed at The Hague on October 18, 1907, but not actually established. Designed as a permanent court of 15 members, its jurisdiction would be relatively complete respecting appeals from decisions of national prize courts in the case of maritime warfare.

5. Four INTERNATIONAL UNIONS have agreed to settle disputes arising within their fields of activity by arbitration. They are:

a. Postal, by Art. 23 of the Universal Postal Convention, signed at Rome, May 26, 1906;

b. Railroad Freights in Europe, by Art. 57, sec. 3, of the Convention on the Transport of Merchandise by Railroads, signed at Bern, October 14, 1890;

c. Slave Trade Suppression, by Arts. 54–55 of the General Act concerning Suppression of the Slave Trade, signed at Brussels, July 2, 1890;

d. Wireless Telegraphy, by Art. 18 of the Radiotelegraphic Convention, signed at Berlin, May 26, 1906.

PART II.

The Second Article of the League Program.

A COUNCIL OF CONCILIATION.

> All other questions arising between the signatories and not settled by negotiation, shall be submitted to a council of conciliation for hearing, consideration and recommendation.

The principle here involved has been in operation internationally under the name of the Commission of Inquiry. This article contemplates its development into an organic method. The principle itself is sound beyond question and its recognition and development within recent years aptly illustrates how rapidly a useful piece of international machinery can meet with favor.

1. The conciliatory commission had been frequently employed in European diplomacy during the 19th century and was recognized internationally as playing substantially the same part that a master plays in American judicial procedure when he is charged with hearing the testimony in a complicated case and digesting it into a report upon which a judge can decide the merits.

The Hague Convention for the Pacific Settlement of International Disputes, signed on July 29, 1899, contains the following provision:

> In differences of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the Signatory Powers recommend that the parties, who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

2. This article was repeated in the revised convention of the Second Hague Conference in 1907, and has been ratified by the following states:

POWERS RATIFYING CONCILIATION COMMISSION.

Argentine Republic, June 15, 1907
Austria-Hungary, Sept. 4, 1900; Nov. 27, 1909
Belgium, Sept. 4, 1900; Aug. 8, 1910
Bolivia, June 15, 1907; Nov. 27, 1909
Brazil, June 15, 1907; Jan. 5, 1914
Bulgaria, Sept. 4, 1900
Chile, June 15, 1907
China, Nov. 21, 1904; Nov. 27, 1909
Colombia, June 15, 1907
Cuba, June 15, 1907; Feb. 22, 1912
Denmark, Sept 4, 1900; Nov. 27, 1909
Dominican Republic, June 15, 1907
Ecuador, July 3, 1907
France, Sept. 4, 1900; Oct. 7, 1910
Germany, Sept. 4, 1900; Nov. 27, 1909
Great Britain, Sept. 4, 1900; Nov. 27, 1909
Greece, April 4, 1901
Guatemala, June 15, 1907; March 15, 1911
Haiti, June 15, 1907; Feb. 2, 1910
Italy, Sept. 4, 1900
Japan, Oct. 6, 1900; Dec. 13, 1911
Luxemburg, July 12, 1901; Sept. 5, 1912
Mexico, April 17, 1901; Nov. 27, 1909
Montenegro, Oct. 16, 1900
Netherlands, Sept. 4, 1900; Nov. 27, 1909
Nicaragua, June 15, 1907; Dec. 16, 1909
Norway, Sept. 4, 1900; Sept. 19, 1910
Panama, June 15, 1907; Sept. 11, 1911
Paraguay, June 15, 1907
Persia, Sept. 4, 1900
Peru, June 15, 1907
Portugal, Sept. 4, 1900; April 13, 1911
Rumania, Sept. 4, 1900; March 1, 1912
Russia, Sept. 4, 1900; Nov. 27, 1909
Salvador, June 20, 1907; Nov. 27, 1909
Servia, May 11, 1901
Siam, Sept. 4, 1900; March 12, 1910
Spain, Sept. 4, 1900; March 18, 1913
Sweden, Sept. 4, 1900; Nov. 27, 1909
Switzerland, Dec. 29, 1900; May 12, 1910
Turkey, June 12, 1907
United States, Sept. 4, 1900; Nov. 27, 1909
Uruguay, June 17, 1907
Venezuela, June 15, 1907

3. The value of the conciliatory commission as a pacific force may manifest itself in three ways:

I. **Cases of Conciliation,** or the actual examination and report upon an international question;

II. **Treaties of Conciliation,** or the solemn agreement to submit to a casual or standing commission differences which may arise in the future;

III. **Permanent Councils of Conciliation.**

I. *Cases of Conciliation.*

The principle of the commission of inquiry was closely assimilated in its early practice with the application of arbitration. It has

gradually emerged as a distinct method of pacific settlement within the last hundred years. Study of its early history is, however, scarcely begun and therefore its records cannot be considered as complete. The following figures relate to the 19th and 20th centuries:[1]

TABLE OF CONCILIATIONS.

Boundaries	141
Questions of Fact	106
Under Hague Provision	3
Total	250

II. *Treaties of Conciliation.*

President Taft of the United States in 1911 added a new meaning and possibility for usefulness to this principle. The Administration sought a formula that would provide for the peaceful settlement of all disputes, and found it in treaties signed with France and Great Britain on August 3, 1911. These provided, first, that all disputes of a legal character (that is, justiciable disputes) should be arbitrated, and, secondly:

> The High Contracting Parties further agree to institute as occasion arises, and as hereinafter provided, a Joint High Commission of Inquiry to which, upon the request of either Party, shall be referred for impartial and conscientious investigation any controversy between the Parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of Article I.

Those treaties were not brought into force, but the succeeding Wilson Administration, on the initiative of Secretary of State Bryan, proceeded to seek substantially the same end by a little different method. Leaving the existing arbitration treaties as they were, the Secretary of State sought to provide in addition for the employment of the Commission of Inquiry. The various powers were approached, and 35 of them expressed themselves as willing to negotiate treaties. At present 30 of these "Treaties for the Advancement of Peace" have been signed, and negotiations with other countries are under way. They differ slightly in their wording, but all read substantially as follows:

[1] The statistics here given are based upon W. Evans Darby's *International Tribunals*, pages 832, 862, 906 and 911.

> The High Contracting Parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

The United States is obligated to follow this procedure with practically all the rest of the world.

Twenty treaties of this type are at present in force with the following states:

AMERICAN CONCILIATION TREATIES, IN FORCE.

(*Dates are those of the exchange of ratifications, from which the treaties remain in force for five years.*)

Bolivia, January 8, 1915
Brazil, October 28, 1916
Chile, January 19, 1916
China, October 22, 1915
Costa Rica, November 12, 1914
Denmark, January 19, 1915
Ecuador, January 22, 1916
France, January 22, 1915
Great Britain, November 10, 1914
Guatemala, October 13, 1914
Honduras, July 27, 1916
Italy, March 19, 1915
Norway, October 21, 1914
Paraguay, March 9, 1915
Peru, March 4, 1915
Portugal, October 24, 1914
Russia, March 22, 1915
Spain, December 21, 1914
Sweden, January 11, 1915
Uruguay, February 24, 1915

Ten treaties have been signed and await formal ratifications before coming into force. Treaties of the United States in this condition have been signed with the following:

AMERICAN CONCILIATION TREATIES, SIGNED.

(*Dates indicate when each treaty was signed.*)

Argentine Republic, July 24, 1914
Dominican Republic, February 17, 1914
Greece, October 13, 1914
Netherlands, December 18, 1913
Nicaragua, December 17, 1913
Panama, September 20, 1913
Persia, February 4, 1914
Salvador, August 7, 1913
Switzerland, February 13, 1914
Venezuela, March 21, 1914

The principle has been adopted in South America. The Argentine Republic, Brazil and Chile have negotiated a tripartite treaty which also awaits the completion of ratifications.

Returning to the United States, the American Government has received acceptances in principle of the proposal to negotiate treaties like those in force from the following states:

POWERS ACCEPTING TREATY PRINCIPLE.

Austria-Hungary	Germany
Belgium	Haiti
Cuba	

The United States made the proposal concerning such treaties to all countries maintaining diplomatic relations with the Washington government. The rest of the world has accepted the principle to the extent indicated by the Hague Convention which is quoted above, while the principle itself has been substantially provided for in many other treaties. This is particularly true of Latin America, where conciliation has been extensively employed.

III. *Permanent Council the Next Step.*

It is evident that the American treaties have already organized the principle of the Commission of Inquiry into a method of pacific settlement. Moreover, those treaties, by their success and the evident welcome they have received among the states of the world, make possible a still further advance. The League to Enforce Peace aims to make this next step a council of conciliation which shall be a permanent international body. This might mean a panel of commissioners appointed by each state, from which disputants might select a commission for a given case. Or a still more developed form might mean a smaller permanent council, selected in a manner acceptable to the contracting states and convening whenever a problem was submitted to it. Either development would leave to contracting states the option of establishing commissions by pairs of states, according to the American system of treaties.

PART III.

The Third Article of the League Program.

SANCTIONS.

The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.

The following interpretation of Article Three has been authorized by the Executive Committee:

"The signatory powers shall jointly employ diplomatic and economic pressure against any one of their number that threatens war against a fellow signatory without having first submitted its dispute for international inquiry, conciliation, arbitration or judicial hearing, and awaited a conclusion, or without having in good faith offered so to submit it. They shall follow this forthwith by the joint use of their military forces against that nation if it actually goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be dealt with as provided in the foregoing."

The principle here involved is the sanction of the proposed treaty. A sanction is the justified employment of forceful methods to insure the observance of law or to enforce it when an effort to disregard

it is made. It has been the general experience of mankind that sanctions are placed behind public organs of order as soon as confidence in their usefulness is established. This article makes that provision respecting methods of arbitration and conciliation.

"It may be of interest to recall the way in which the medieval custom of private war was abolished in England. It was not done at one step, but gradually, by preventing men from avenging their own wrongs before going to court. The trial by battle long remained a recognized part of judicial procedure, but only after the case had been presented to the court, and only in accordance with judicial forms. This had the effect of making the practice far less common, and of limiting it to the principals in the quarrel instead of involving a general breach of the peace in which their retainers and friends took part. Civilization was still too crude to give up private war, but the arm of the law and the force in the hands of the crown were strong enough to delay a personal conflict until the case had been presented to court. Without such a force the result could not have been attained.

"In every civilized country the public force is employed to prevent any man, however just his claim, from vindicating his own right with his own hand instead of going to law; and every citizen is bound, when needed, to assist in preventing him, because that is the only way to restrain private war, and the maintenance of order is of paramount importance for every one. Surely the family of nations has a like interest in restraining war between states." [1]

The sanctions contemplated are two in number:

I. **Economic,** or the restriction of the material resources of the offender by embargo, nonintercourse or boycott.

II. **Military,** or the employment of armies and navies.

I. *Economic Sanctions.*

The value of this method is based upon the conviction that modern civilization renders the world so interdependent that a boycott would be a dreaded weapon and would operate with certainty. This method

[1] A. Lawrence Lowell, *A League to Enforce Peace*, 7, 9. (World Peace Foundation, Pamphlet Series, Vol. V, No. 5, Part I.)

is particularly attractive to those who recoil from the human wastage of warlike measures, but its own ultimate result would be the starvation of a whole nation, not simply the destruction of its military forces as fighting units. The threat of such measures is sometimes effective. Nations have in the past taken such measures against others on their own account under the name of reprisal, embargo and non-intercourse.[1] The following list shows instances of such action:

1. Embargoes were used as a means of redress by the United States in 1794 (30 days), 1797, 1807 (27 months), 1808 and 1812 (2 years).

2. Commercial intercourse with France was suspended by an act of Congress of June 13, 1798, and other acts of similar character followed.

3. Commercial intercourse with Great Britain was suspended by an act of Congress of March 1, 1809. The act was revived on February 2, 1811.

4. Commercial intercourse with Dominican ports was suspended by act of Congress of February 28, 1806.

5. The United States Congress in 1887, by way of reprisal, passed an act empowering the President to deny Canadian vessels entrance to American waters and to deny entry to Canadian products, if American fishing rights should be denied or abridged in Canadian waters.

6. Nonintercourse in connection with hostilities is customary, and is frequently rendered effective by means of a military blockade which, in order to be binding, must be effective.

II. *Military Sanction.*

The principle here involved is the use of force, restricted to the punishment of the state that offends by breaking the agreement to resort to the court or council of conciliation before beginning hostilities.

The value of this sanction lies in its effectiveness, which is primarily due to the universal understanding of its consequences. In a legal sense, the use of force is not necessarily war, but properly a non-amicable means of redress. To employ force without actually going to war is eminently desirable in cases where gentler methods have failed to yield results. In case of extreme necessity, the states in the league would stand ready to use the entire power of their armies and navies to insure observance of the agreement.

[1] The enforcement of such measures is recognized in international law as the first or preliminary step toward war under the title of "nonamicable means of redress." When carried to the point of effective coercion, which necessitates the use of military forces, the economic boycott combines both the economic and military features, the effects of which are most terribly felt by women, children and all other noncombatants. Belligerents therefore regard this combination as more inhuman than military coercion alone, and its employment, even in connection with military operations, has recently led the sufferer to justify himself in waging a military warfare unrestrained by humane considerations.

During the last century the need for employing force in the interest of public order and without the "inconveniences and main obligations which war brings" has been many times encountered. The best example is the use of what has been known as pacific blockade. Usually the employment of such devices has been difficult because nations unconcerned with the disputes were under no obligation to assent to restrictions.

The League to Enforce Peace proposes to correct this defect by providing in advance for joint action. Among the instances of joint action for desirable purposes the following may be cited:

1. France, Great Britain and Russia combined under the treaty of London, July 29, 1827, to end hostilities between Greece and Turkey. The result was the battle of Navarino in October, in which the Turkish navy was destroyed. Greek independence was confirmed by the action.

2. Austria-Hungary, Germany, Great Britain, Italy and Russia in 1886 blockaded the ports of Greece to bring about disarmament of Greek troops on the Turkish frontier.

3. In 1888–89 Germany, Great Britain, France, Italy, Portugal, the Kongo Free State and the Netherlands joined in measures to prevent the exportation of slaves from Zanzibar.

4. In 1897 Austria-Hungary, France, Germany, Great Britain and Russia, as signatories to the treaty of Berlin of 1878, blockaded the island of Crete, an instance of the joint use of military and economic force.

5. In 1902 Germany, Great Britain and Italy established a blockade of Venezuela to enforce satisfaction of various claims against that country originating in damages sustained during revolutionary conditions. Various other powers also had claims, and it was urged diplomatically that the blockading powers were entitled to preferential treatment by reason of their blockade. The three powers accordingly sued Venezuela and eight other claimant powers before the Hague Permanent Court of Arbitration, which held that they were entitled to preferential treatment.

6. In 1900 the Chinese Boxers started an antiforeign movement which resulted in a siege of the legations at Peking and the killing of several Europeans. The powers rushed troops to China and the forces of several nations marched to Peking, relieved the legations and assumed charge of the legation quarter. As a result, Germany, Austria-Hungary, Belgium, the United States, France, Great Britain, Italy, Japan, the Netherlands and Russia effected a settlement with China under which indemnities were to be paid.

PART IV.

The Fourth Article of the League Program.

CONFERENCES TO DEVELOP LAW.

> Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the judicial tribunal mentioned in Article One.

1. The conferences contemplated by this article are diplomatic conferences which should develop the statute law of the world.

They are of two types: Those dealing with public international law; and those dealing with international administration.

Conferences dealing with public international law may be illustrated by the Hague Conferences and the series of Pan American Conferences; those dealing with international administration may be illustrated by the Universal Postal Congresses. The former by codifying and rephrasing the good practice of nations actually contribute to the growth of international law; the latter determine rules which simplify relations and render them more convenient.

Besides diplomatic conferences, there have been a great many international meetings of private individuals on behalf of interests of an international character.

2. The effect of such conferences is manifested in two ways:

I. **International Conferences,** or meetings of the representatives of more than one country. These have been both official and unofficial. Unofficial conferences have contributed to the development of official conferences.

II. **International Official Organizations,** which consist of permanent establishments or régimes set up jointly by governments for the execution or protection of common interests.

I. *International Conferences.*

International practice before the war was thoroughly committed to the principle of conferences. There then existed nearly 500 organizations of an international or even world-wide character, of which 450 were unofficial. They dealt with practically every phase of human activity and had a membership of several millions. They held periodic meetings to forward their particular activity or interest. The growth of such meetings can be seen from the following table, the statistics including both unofficial and official gatherings:

MEETINGS OF INTERNATIONAL ORGANIZATIONS.

1840–1844	2
1845–1849	7
1850–1854	8
1855–1859	12
1860–1864	26
1865–1869	51
1870–1874	54
1875–1879	114
1880–1884	111
1885–1889	200
1890–1894	224
1895–1899	286
1900–1904	480
1905–1909	582
1910–1914	494
	2651

Obviously the habit of meeting to discuss and determine problems of common human concern or of more than national interest was well-developed before the war. That governments themselves had acquired the habit is therefore not a matter for surprise. While private organizations often met merely for discussion, governments came together in conference only when a specific subject was ripe for joint action. Bearing in mind that such official organizations are only one-tenth as many as private organizations, it is notable that

official meetings have been comparatively more numerous than the unofficial. The following list shows governmental conference activity:

MEETINGS OF OFFICIAL ORGANIZATIONS.

1850–1854	1
1855–1859	1
1860–1864	7
1865–1869	6
1870–1874	12
1875–1879	17
1880–1884	15
1885–1889	24
1890–1894	20
1895–1899	15
1900–1904	28
1905–1909	49
1910–1914	38
	233

II. *International Official Organizations.*

Experience has shown that the codification of national law brings the necessity for administrative organization. This is equally true of international law, for much that is desirable to make life livable falls within the field of administering concrete improvements, and more depends upon the application of the abstract principle than upon its formulation. To illustrate: Both the Constitution of the United States and the statutes of Congress are national law, but the Constitution formulates the abstract principles, while the statutes apply them to meet the needs of the people, and provide many organizations of government for this purpose. It has been well said, "that which is best administered is best." At all events, administrative organizations are indispensable to the application of international principles; and they increase in number.

The imposing list of international organizations which follows shows how largely the ideal of co-operation among nations has already been realized, and proves that there already exists an atmosphere congenial to the further development of the program of the League to Enforce Peace.

International Administrative Organizations.

1. Régime of free navigation on international rivers, 1815.

2. International Sanitary Union, with permanent bureau, 1851. For additional protection against the spread of epidemics the following organizations have been established:

a, International Sanitary Council of Tangier, Morocco, 1818.

b, Superior Sanitary Council of Constantinople, 1894.

c, Maritime and Quarantine Sanitary Council of Egypt, 1892.

d, International Office of Public Hygiene, 1907.

3. Régime of free navigation on the Danube, 1856.

4. Universal Postal Union, with permanent bureau, 1863.

5. Improvement of the lot of sick and wounded in armies in the field (Red Cross Convention), 1864.

6. International Association for the Measurement of the Earth, with permanent bureau, 1864.

7. Universal Telegraphic Union, with permanent bureau, 1865.

8. Latin Monetary Union, 1865.

9. Maintenance of Lighthouse at Cape Spartel, Morocco, 1865.

10. Scandinavian Monetary Union, 1875.

11. International Bureau of Weights and Measures, 1875.

12. International Conference against Phylloxera (plant lice), 1878.

13. Transportation of Merchandise by Railroads in Europe, with permanent bureau, 1878.

14. Publication of Customs Tariffs, with permanent bureau, 1880.

15. Protection of Industrial Property, with permanent bureau, 1880.

16. Protection of Literary and Artistic Property, with permanent bureau, 1880.

17. Protection of Submarine Cables, 1882.

18. Regulation of Fisheries Police in the North Sea, 1882.

19. Technical Unification of European Railroads, 1882.

20. International Conference for the Choice of a Prime Meridian, 1884.

21. Exchange of Reproductions of Works of Art, 1885.

22. Exchange of Official Documents, Scientific and Literary Publications, with numerous bureaus of exchange, 1886.

23. Régime of the Suez Maritime Canal, 1888.

24. International Maritime Conferences, 1889.

25. Pan American Union, 1889.

26. Legal Protection of Workers, 1890.

27. Repression of the African Slave Trade, with permanent bureau, 1890.

28. Unification of Private International Law, 1893.

29. Gauging of Non-Seagoing Vessels, 1898.

30. Regulation of the Importation of Spirituous Liquors into Certain Regions of Africa, 1899.

31. Permanent Court of Arbitration, with permanent bureau, 1899.

32. Permanent International Council for the Exploration of the Sea, with permanent central bureau and international laboratory, 1899.

33. Conservation of Wild Animals in Africa, 1900.

34. Revision of the Nomenclature of Causes of Death, 1900.
35. Protection of Insectivorous Birds Useful to Agriculture, 1902.
36. International Sugar Union, with permanent bureau, 1902.
37. Pan American Sanitary Convention, with permanent bureau, 1902.
38. Unification of the Formulas of Potent Drugs, 1902.
39. International Association of Seismology, with permanent bureau, 1903.
40. Repression of the Trade in White Women, 1904.
41. Unification of Maritime Law, 1905.
42. International Institute of Agriculture, with permanent bureau, 1905.
43. Wireless Telegraphic Union, with permanent bureau, 1906.
44. Central American Court of Justice, International Bureau and Conferences, 1907.
45. International Committee for Making a Map of the World, 1909.
46. Regulation of the Arms Trade in Africa, 1909.
47. Repression of the Use of Opium, 1909.
48. Regulation of the Use of Saccharine, 1909.
49. Repression of the Circulation of Obscene Publications, 1910.
50. Unification of Commercial Statistics, 1910.
51. South American Postal Union, 1911.
52. Protection of Seals and Maritime Otters, 1911.
53. International Regulation of Standard Time, 1912.

THE VERDICT OF STATESMEN

Woodrow Wilson

President of the United States

"Only when the great nations of the world have reached some sort of agreement as to what they hold to be fundamental to their common interest, and as to some feasible method of acting in concert when any nation or group of nations seeks to disturb those fundamental things can we feel that civilization is at last in a way of justifying its existence and claiming to be finally established.*** I am sure that I speak the mind and wish of America when I say that the United States is willing to become a partner in any feasible association of nations formed in order to realize these objects and make them secure against violation."

William H. Taft

Former President of the United States; President of the League to Enforce Peace

"Even if the risk of war to the United States would be greater by entering the League than by staying out of it, does not the United States have a duty as a member of the family of nations to do its part and run its necessary risk to make less probable the coming of such another war and such another disaster to the American race? We are the richest nation in the world and in the sense of what we could do were we to make reasonable preparation, we are the most powerful nation in the world. We have been showered with good fortune. Our people have enjoyed a happiness known to no other people. Does not this impose upon us a sacred duty to join the other nations of the world in a fraternal spirit and with a willingness to make sacrifice if we can promote the general welfare of men?"

Viscount Grey of Fallodon

Lately Secretary of State for Foreign Affairs of Great Britain

"The best work neutrals can do for the moment is to try to prevent a war like this from happening again.*** Only we must bear this in mind: If the nations after the war are able to do something effective by binding themselves with the common object of preserving peace, they must be prepared to undertake no more than they are able to uphold by force and to see, when the time of crisis comes, that it is upheld by force. The question we must ask them is: 'Will you play up when the time comes?' It is not merely the sign manual of Presidents and sovereigns that is really to make that worth while; it must also have behind it Parliaments and national sentiments."

Aristide Briand

Premier and Minister for Foreign Affairs of France

"The union of all the living forces of the country is an essential condition to success. It is that which will lead us to our goal—peace by victory—a solid, lasting peace guaranteed against any return of violence by appropriate international measures."

Theobald von Bethmann-Hollweg

Chancellor of the German Empire; President of the Ministry of State and Minister for Foreign Affairs of the Kingdom of Prussia

"If, after the end of the war, the world will only become fully conscious of the horrifying destruction of life and property, then through the whole of humanity there will ring out a cry for peaceful arrangements and understandings which, as far as is within human power, will avoid the return of such a monstrous catastrophe. This cry will be so powerful and so justified that it must lead to some result. Germany will honestly co-operate in examination of every endeavor to find a practical solution, and will collaborate for its possible realization."

World Peace Foundation

40 MT. VERNON STREET
BOSTON

Single copies of all pamphlets free
Complete list of publications on application

League to Enforce Peace

The Foundations of a League of Peace. By G. Lowes Dickinson.
A League to Enforce Peace. By A. Lawrence Lowell.
The Outlook for International Law with letter commending the League to Enforce Peace. By Elihu Root.
The Monroe Doctrine and the Program of the League to Enforce Peace. By George Grafton Wilson.
The Conciliation Plan of the League to Enforce Peace, with American treaties in force.
Historical Light on the League to Enforce Peace.

The Work of the Hague Conferences

American Addresses at the Second Hague Conference. Edited by James Brown Scott. 8vo, xlviii+217 pages. Cloth-bound, postpaid $1.50

First Hague Conference. By Andrew D. White. 8vo, vi+125 pages. Cloth-bound, postpaid 55

Immunity of Private Property at Sea. By Joseph H. Choate.

Instructions to the American Delegates to the Hague Conferences, 1899 and 1907. By Hon. John Hay and Hon. Elihu Root, Secretaries of State.

Record of The Hague. By Denys P. Myers.

Texts of the Peace Conferences at The Hague, 1899 and 1907. Edited by James Brown Scott. 8vo, xxxiv+447 pages. Cloth-bound, postpaid 1.65

Towards International Government. By John A. Hobson. 216 pages. Cloth-bound, postpaid 50

Two Hague Conferences. By William I. Hull. 8vo, xiv+516 pages. Cloth-bound, postpaid 1.65

JX 2452